

EXHIBIT 25

Report of the Veto of S. 1, the Keystone XL Pipeline Approval Act,
161 Cong. Rec. S1,073 (daily ed. Feb. 24, 2015)

114th Congress, 1st Session ————— Senate Document 114-2

VETO—S. 1
(PM 6)

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT MY APPROVAL S. 1, THE KEYSTONE XL PIPELINE
APPROVAL ACT



FEBRUARY 24, 2015.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

49-011

WASHINGTON : 2015

To the Senate of the United States:

I am returning herewith without my approval S. 1, the “Keystone XL Pipeline Approval Act.” Through this bill, the United States Congress attempts to circumvent longstanding and proven processes for determining whether or not building and operating a cross-border pipeline serves the national interest.

The Presidential power to veto legislation is one I take seriously. But I also take seriously my responsibility to the American people. And because this act of Congress conflicts with established executive branch procedures and cuts short thorough consideration of issues that could bear on our national interest—including our security, safety, and environment—it has earned my veto.

BARACK OBAMA.

THE WHITE HOUSE, *February 24, 2015.*

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EXHIBIT 26

American Energy Renaissance Act of 2015,
S. 791 and H.R. 1487, 114th Cong. (2015)

114TH CONGRESS
1ST SESSION

H. R. 1487

To free the private sector to harness domestic energy resources to create jobs and generate economic growth by removing statutory and administrative barriers.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2015

Mr. BRIDENSTINE (for himself, Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, and Mr. JORDAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, Agriculture, the Judiciary, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To free the private sector to harness domestic energy resources to create jobs and generate economic growth by removing statutory and administrative barriers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “American Energy Renaissance Act of 2015”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXPANDING AMERICAN ENERGY EXPORTS

- Sec. 1001. Finding.
Sec. 1002. Natural gas exports.
Sec. 1003. Crude oil exports.
Sec. 1004. Coal exports.

TITLE II—IMPROVING NORTH AMERICAN ENERGY INFRASTRUCTURE

Subtitle A—North American Energy Infrastructure

- Sec. 2001. Finding.
Sec. 2002. Definitions.
Sec. 2003. Authorization of certain energy infrastructure projects at the na-
tional boundary of the United States.
Sec. 2004. Importation or exportation of natural gas to Canada and Mexico.
Sec. 2005. Transmission of electric energy to Canada and Mexico.
Sec. 2006. No Presidential permit required.
Sec. 2007. Modifications to existing projects.
Sec. 2008. Effective date; rulemaking deadlines.

Subtitle B—Keystone XL Permit Approval

- Sec. 2011. Findings.
Sec. 2012. Keystone XL permit approval.

TITLE III—OUTER CONTINENTAL SHELF LEASING

- Sec. 3001. Finding.
Sec. 3002. Extension of leasing program.
Sec. 3003. Lease sales.
Sec. 3004. Applications for permits to drill.
Sec. 3005. Lease sales for certain areas.

TITLE IV—UTILIZING AMERICA'S ONSHORE RESOURCES

- Sec. 4001. Findings.
Sec. 4002. State option for energy development.

Subtitle A—Energy Development by States

- Sec. 4011. Definitions.
Sec. 4012. State programs.
Sec. 4013. Leasing, permitting, and regulatory programs.
Sec. 4014. Judicial review.
Sec. 4015. Administrative Procedure Act.

Subtitle B—Onshore Oil and Gas Permit Streamlining

PART I—OIL AND GAS LEASING CERTAINTY

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- Sec. 4021. Minimum acreage requirement for onshore lease sales.
- Sec. 4022. Leasing certainty.
- Sec. 4023. Leasing consistency.
- Sec. 4024. Reduce redundant policies.
- Sec. 4025. Streamlined congressional notification.

PART II—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM

- Sec. 4031. Permit to drill application timeline.
- Sec. 4032. Administrative protest documentation reform.
- Sec. 4033. Improved Federal energy permit coordination.
- Sec. 4034. Administration.

PART III—OIL SHALE

- Sec. 4041. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.
- Sec. 4042. Oil shale leasing.

PART IV—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS

- Sec. 4051. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
- Sec. 4052. National Petroleum Reserve in Alaska: lease sales.
- Sec. 4053. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
- Sec. 4054. Issuance of a new integrated activity plan and environmental impact statement.
- Sec. 4055. Departmental accountability for development.
- Sec. 4056. Deadlines under new proposed integrated activity plan.
- Sec. 4057. Updated resource assessment.

PART V—MISCELLANEOUS PROVISIONS

- Sec. 4061. Sanctions.
- Sec. 4062. Ensuring consideration of economic impacts of protections for endangered species and threatened species.

PART VI—JUDICIAL REVIEW

- Sec. 4071. Definitions.
- Sec. 4072. Exclusive venue for certain civil actions relating to covered energy projects.
- Sec. 4073. Timely filing.
- Sec. 4074. Expedition in hearing and determining the action.
- Sec. 4075. Limitation on injunction and prospective relief.
- Sec. 4076. Limitation on attorneys' fees and court costs.
- Sec. 4077. Legal standing.

TITLE V—ADDITIONAL ONSHORE RESOURCES

Subtitle A—Leasing Program for Land Within Coastal Plain

- Sec. 5001. Finding.
- Sec. 5002. Definitions.
- Sec. 5003. Leasing program for land on the Coastal Plain.
- Sec. 5004. Lease sales.
- Sec. 5005. Grant of leases by the Secretary.

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Sec. 5006. Lease terms and conditions.
Sec. 5007. Coastal Plain environmental protection.
Sec. 5008. Expedited judicial review.
Sec. 5009. Rights-of-way across the Coastal Plain.
Sec. 5010. Conveyance.

Subtitle B—Native American Energy

Sec. 5021. Findings.
Sec. 5022. Appraisals.
Sec. 5023. Standardization.
Sec. 5024. Environmental reviews of major Federal actions on Indian land.
Sec. 5025. Judicial review.
Sec. 5026. Tribal resource management plans.
Sec. 5027. Leases of restricted lands for the Navajo Nation.
Sec. 5028. Nonapplicability of certain rules.

Subtitle C—Additional Regulatory Provisions

PART I—STATE AUTHORITY OVER HYDRAULIC FRACTURING

Sec. 5031. Finding.
Sec. 5032. State authority.

PART II—MISCELLANEOUS PROVISIONS

Sec. 5041. Environmental legal fees.
Sec. 5042. Master leasing plans.

TITLE VI—IMPROVING AMERICA'S DOMESTIC REFINING CAPACITY

Subtitle A—Refinery Permitting Reform

Sec. 6001. Finding.
Sec. 6002. Definitions.
Sec. 6003. Streamlining of refinery permitting process.

Subtitle B—Repeal of Renewable Fuel Standard

Sec. 6011. Findings.
Sec. 6012. Phase out of renewable fuel standard.

TITLE VII—STOPPING EPA OVERREACH

Sec. 7001. Findings.
Sec. 7002. Clarification of Federal regulatory authority to exclude greenhouse gases from regulation under the Clean Air Act.
Sec. 7003. Clarification of authority.
Sec. 7004. Jobs analysis for all EPA regulations.

TITLE VIII—DEBT FREEDOM FUND

Sec. 8001. Findings.
Sec. 8002. Debt freedom fund.

1 **TITLE I—EXPANDING AMERICAN**
2 **ENERGY EXPORTS**

3 **SEC. 1001. FINDING.**

4 Congress finds that opening up energy exports will
5 contribute to economic development, private sector job
6 growth, and continued growth in American energy produc-
7 tion.

8 **SEC. 1002. NATURAL GAS EXPORTS.**

9 (a) FINDING.—Congress finds that expanding nat-
10 ural gas exports will lead to increased investment and de-
11 velopment of domestic supplies of natural gas that will
12 contribute to job growth and economic development.

13 (b) NATURAL GAS EXPORTS.—Section 3(c) of the
14 Natural Gas Act (15 U.S.C. 717b(c)) is amended—

15 (1) by inserting “or any other nation not ex-
16 cluded by this section” after “trade in natural gas”;

17 (2) by striking “(c) For purposes” and insert-
18 ing the following:

19 “(c) EXPEDITED APPLICATION AND APPROVAL
20 PROCESS.—

21 “(1) IN GENERAL.—For purposes”; and

22 (3) by adding at the end the following:

23 “(2) EXCLUSIONS.—

24 “(A) IN GENERAL.—Any nation subject to
25 sanctions or trade restrictions imposed by the

1 United States is excluded from expedited ap-
2 proval under paragraph (1).

3 “(B) DESIGNATION BY PRESIDENT OR
4 CONGRESS.—The President or Congress may
5 designate nations that may be excluded from
6 expedited approval under paragraph (1) for rea-
7 sons of national security.

8 “(3) ORDER NOT REQUIRED.—No order is re-
9 quired under subsection (a) to authorize the export
10 or import of any natural gas to or from Canada or
11 Mexico.”.

12 **SEC. 1003. CRUDE OIL EXPORTS.**

13 (a) FINDINGS.—Congress finds that—

14 (1) the restrictions on crude oil exports from
15 the 1970s are no longer necessary due to the techno-
16 logical advances that have increased the domestic
17 supply of crude oil; and

18 (2) repealing restrictions on crude oil exports
19 will contribute to job growth and economic develop-
20 ment.

21 (b) REPEAL OF PRESIDENTIAL AUTHORITY TO RE-
22 STRICT OIL EXPORTS.—

23 (1) IN GENERAL.—Section 103 of the Energy
24 Policy and Conservation Act (42 U.S.C. 6212) is re-
25 pealed.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 12 of the Alaska Natural Gas
3 Transportation Act of 1976 (15 U.S.C. 719j) is
4 amended—

5 (i) by striking “and section 103 of the
6 Energy Policy and Conservation Act”; and

7 (ii) by striking “such Acts” and in-
8 serting “that Act”.

9 (B) The Energy Policy and Conservation
10 Act is amended—

11 (i) in section 251 (42 U.S.C. 6271)—

12 (I) by striking subsection (d);
13 and

14 (II) by redesignating subsection
15 (e) as subsection (d); and

16 (ii) in section 523(a)(1) (42 U.S.C.
17 6393(a)(1)), by striking “(other than sec-
18 tion 103 thereof)”.

19 (c) REPEAL OF LIMITATIONS ON EXPORTS OF OIL.—

20 (1) IN GENERAL.—Section 28 of the Mineral
21 Leasing Act (30 U.S.C. 185) is amended—

22 (A) by striking subsection (u); and

23 (B) by redesignating subsections (v)
24 through (y) as subsections (u) through (x), re-
25 spectively.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 1107(c) of the Alaska National
3 Interest Lands Conservation Act (16 U.S.C.
4 3167(c)) is amended by striking “(u) through
5 (y)” and inserting “(u) through (x)”.

6 (B) Section 23 of the Deep Water Port
7 Act of 1974 (33 U.S.C. 1522) is repealed.

8 (C) Section 203(c) of the Trans-Alaska
9 Pipeline Authorization Act (43 U.S.C. 1652(c))
10 is amended in the first sentence by striking
11 “(w)(2), and (x))” and inserting “(v)(2), and
12 (w))”.

13 (D) Section 509(c) of the Public Utility
14 Regulatory Policies Act of 1978 (43 U.S.C.
15 2009(c)) is amended by striking “subsection
16 (w)(2)” and inserting “subsection (v)(2)”.

17 (d) REPEAL OF LIMITATIONS ON EXPORT OF OCS
18 OIL OR GAS.—Section 28 of the Outer Continental Shelf
19 Lands Act (43 U.S.C. 1354) is repealed.

20 (e) TERMINATION OF LIMITATION ON EXPORTATION
21 OF CRUDE OIL.—Section 7(d) of the Export Administra-
22 tion Act of 1979 (50 U.S.C. App. 2406(d)) (as in effect
23 pursuant to the International Emergency Economic Pow-
24 ers Act (50 U.S.C. 1701 et seq.)) shall have no force or
25 effect.

1 (f) CLARIFICATION OF CRUDE OIL REGULATION.—

2 (1) IN GENERAL.—Section 754.2 of title 15,
3 Code of Federal Regulations (relating to crude oil)
4 shall have no force or effect.

5 (2) CRUDE OIL LICENSE REQUIREMENTS.—The
6 Bureau of Industry and Security of the Department
7 of Commerce shall grant licenses to export to a
8 country crude oil (as the term is defined in sub-
9 section (a) of the regulation referred to in paragraph
10 (1)) (as in effect on the date that is 1 day before
11 the date of enactment of this Act) unless—

12 (A) the country is subject to sanctions or
13 trade restrictions imposed by the United States;
14 or

15 (B) the President or Congress has des-
16 ignated the country as subject to exclusion for
17 reasons of national security.

18 **SEC. 1004. COAL EXPORTS.**

19 (a) FINDINGS.—Congress finds that—

20 (1) increased international demand for coal is
21 an opportunity to support jobs and promote eco-
22 nomic growth in the United States; and

23 (2) exports of coal should not be unreasonably
24 restricted or delayed.

1 (b) NEPA REVIEW FOR COAL EXPORTS.—In com-
2 pleting an environmental impact statement or similar
3 analysis required under the National Environmental Pol-
4 icy Act of 1969 (42 U.S.C. 4321 et seq.) for an approval
5 or permit for coal export terminals, or transportation of
6 coal to coal export terminals, the Secretary of the Army,
7 acting through the Chief of Engineers—

8 (1) may only take into account domestic envi-
9 ronmental impacts; and

10 (2) may not take into account any impacts re-
11 sulting from the final use overseas of the exported
12 coal.

13 **TITLE II—IMPROVING NORTH**
14 **AMERICAN ENERGY INFRA-**
15 **STRUCTURE**

16 **Subtitle A—North American**
17 **Energy Infrastructure**

18 **SEC. 2001. FINDING.**

19 Congress finds that the United States should estab-
20 lish a more uniform, transparent, and modern process for
21 the construction, connection, operation, and maintenance
22 of oil and natural gas pipelines and electric transmission
23 facilities for the import and export of oil and natural gas
24 and the transmission of electricity to and from Canada

1 and Mexico, in pursuit of a more secure and efficient
2 North American energy market.

3 **SEC. 2002. DEFINITIONS.**

4 In this subtitle:

5 (1) CROSS-BORDER SEGMENT.—The term
6 “cross-border segment” means the portion of an oil
7 or natural gas pipeline or electric transmission facil-
8 ity that is located at the national boundary of the
9 United States with either Canada or Mexico.

10 (2) ELECTRIC RELIABILITY ORGANIZATION.—
11 The term “Electric Reliability Organization” has the
12 meaning given the term in section 215 of the Fed-
13 eral Power Act (16 U.S.C. 824o).

14 (3) INDEPENDENT SYSTEM OPERATOR.—The
15 term “Independent System Operator” has the mean-
16 ing given the term in section 3 of the Federal Power
17 Act (16 U.S.C. 796).

18 (4) MODIFICATION.—The term “modification”
19 includes a reversal of flow direction, change in own-
20 ership, volume expansion, downstream or upstream
21 interconnection, or adjustment to maintain flow
22 (such as a reduction or increase in the number of
23 pump or compressor stations).

1 (5) NATURAL GAS.—The term “natural gas”
2 has the meaning given the term in section 2 of the
3 Natural Gas Act (15 U.S.C. 717a).

4 (6) OIL.—The term “oil” means petroleum or
5 a petroleum product.

6 (7) REGIONAL ENTITY.—The term “regional
7 entity” has the meaning given the term in section
8 215 of the Federal Power Act (16 U.S.C. 824o).

9 (8) REGIONAL TRANSMISSION ORGANIZATION.—
10 The term “Regional Transmission Organization”
11 has the meaning given the term in section 3 of the
12 Federal Power Act (16 U.S.C. 796).

13 **SEC. 2003. AUTHORIZATION OF CERTAIN ENERGY INFRA-**
14 **STRUCTURE PROJECTS AT THE NATIONAL**
15 **BOUNDARY OF THE UNITED STATES.**

16 (a) AUTHORIZATION.—Except as provided in sub-
17 section (c) and section 2007, no person may construct,
18 connect, operate, or maintain a cross-border segment of
19 an oil pipeline or electric transmission facility for the im-
20 port or export of oil or the transmission of electricity to
21 or from Canada or Mexico without obtaining a certificate
22 of crossing for the construction, connection, operation, or
23 maintenance of the cross-border segment under this sec-
24 tion.

25 (b) CERTIFICATE OF CROSSING.—

1 (1) REQUIREMENT.—Not later than 120 days
2 after final action is taken under the National Envi-
3 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
4 seq.) with respect to a cross-border segment for
5 which a request is received under this section, the
6 Secretary of Energy, in consultation with appro-
7 priate Federal agencies, shall issue a certificate of
8 crossing for the cross-border segment unless the rel-
9 evant official finds that the construction, connection,
10 operation, or maintenance of the cross-border seg-
11 ment is not in the national security interest of the
12 United States.

13 (2) ADDITIONAL REQUIREMENT FOR ELECTRIC
14 TRANSMISSION FACILITIES.—In the case of a request
15 for a certificate of crossing for the construction, con-
16 nection, operation, or maintenance of a cross-border
17 segment of an electric transmission facility, the Sec-
18 retary of Energy shall require, as a condition of
19 issuing the certificate of crossing for the request
20 under paragraph (1), that the cross-border segment
21 of the electric transmission facility be constructed,
22 connected, operated, or maintained consistent with
23 all applicable policies and standards of—

24 (A) the Electric Reliability Organization
25 and the applicable regional entity; and

1 (B) any Regional Transmission Organiza-
2 tion or Independent System Operator with
3 operational or functional control over the cross-
4 border segment of the electric transmission fa-
5 cility.

6 (c) EXCLUSIONS.—This section shall not apply to any
7 construction, connection, operation, or maintenance of a
8 cross-border segment of an oil pipeline or electric trans-
9 mission facility for the import or export of oil or the trans-
10 mission of electricity to or from Canada or Mexico—

11 (1) if the cross-border segment is operating for
12 that import, export, or transmission as of the date
13 of enactment of this Act;

14 (2) if a permit described in section 2006 for
15 that construction, connection, operation, or mainte-
16 nance has been issued;

17 (3) if a certificate of crossing for that construc-
18 tion, connection, operation, or maintenance has pre-
19 viously been issued under this section; or

20 (4) if an application for a permit described in
21 section 2006 for that construction, connection, oper-
22 ation, or maintenance is pending on the date of en-
23 actment of this Act, until the earlier of—

24 (A) the date on which the application is
25 denied; or

1 (B) July 1, 2016.

2 (d) EFFECT OF OTHER LAWS.—

3 (1) APPLICATION TO PROJECTS.—Nothing in
4 this section or section 2007 affects the application of
5 any other Federal law to a project for which a cer-
6 tificate of crossing for the construction, connection,
7 operation, or maintenance of a cross-border segment
8 is sought under this section.

9 (2) EFFECT ON NATURAL GAS ACT.—Nothing
10 in this section or section 2007 affects the require-
11 ment to obtain approval or authorization under sec-
12 tions 3 and 7 of the Natural Gas Act (15 U.S.C.
13 717b, 717f) for the siting, construction, or operation
14 of any facility to import or export natural gas.

15 **SEC. 2004. IMPORTATION OR EXPORTATION OF NATURAL**
16 **GAS TO CANADA AND MEXICO.**

17 Section 3(c) of the Natural Gas Act (15 U.S.C.
18 717b(c)) is amended—

19 (1) by striking “(c) For purposes” and insert-
20 ing the following:

21 “(c) EXPEDITED APPROVAL.—

22 “(1) IN GENERAL.—For purposes”; and

23 (2) by adding at the end the following:

24 “(2) EXPEDITED EXPORTS TO CANADA OR MEX-
25 ICO.—No order is required under subsection (a) to

1 authorize the export or import of any natural gas to
2 or from Canada or Mexico.”.

3 **SEC. 2005. TRANSMISSION OF ELECTRIC ENERGY TO CAN-**
4 **ADA AND MEXICO.**

5 (a) REPEAL OF REQUIREMENT TO SECURE
6 ORDER.—Section 202 of the Federal Power Act (16
7 U.S.C. 824a) is amended by striking subsection (e).

8 (b) CONFORMING AMENDMENTS.—

9 (1) STATE REGULATIONS.—Section 202(f) of
10 the Federal Power Act (16 U.S.C. 824a(f)) is
11 amended in the last sentence by striking “insofar as
12 such State regulation does not conflict with the exer-
13 cise of the Commission’s powers under or relating to
14 subsection 202(e)”.

15 (2) SEASONAL DIVERSITY ELECTRICITY EX-
16 CHANGE.—Section 602(b) of the Public Utility Reg-
17 ulatory Policies Act of 1978 (16 U.S.C. 824a–4(b))
18 is amended in the first sentence by striking “the
19 Commission has” and all that follows through the
20 period at the end of the last sentence and inserting
21 “the Secretary has conducted hearings and finds
22 that the proposed transmission facilities would not
23 impair the sufficiency of electric supply within the
24 United States or would not impede or tend to im-

1 pede the coordination in the public interest of facili-
2 ties subject to the jurisdiction of the Secretary.”.

3 **SEC. 2006. NO PRESIDENTIAL PERMIT REQUIRED.**

4 No Presidential permit (or similar permit) required
5 under Executive Order 13337 (3 U.S.C. 301 note; 69 Fed.
6 Reg. 25299 (April 30, 2004)), Executive Order 11423 (3
7 U.S.C. 301 note; 33 Fed. Reg. 11741 (August 16, 1968)),
8 section 301 of title 3, United States Code, Executive
9 Order 12038 (43 Fed. Reg. 3674 (January 26, 1978)),
10 Executive Order 10485 (18 Fed. Reg. 5397 (September
11 9, 1953)), or any other Executive order shall be necessary
12 for the construction, connection, operation, or mainte-
13 nance of an oil or natural gas pipeline or electric trans-
14 mission facility, or any cross-border segment thereof.

15 **SEC. 2007. MODIFICATIONS TO EXISTING PROJECTS.**

16 No certificate of crossing under section 2003, or per-
17 mit described in section 2006, shall be required for a
18 modification to the construction, connection, operation, or
19 maintenance of an oil or natural gas pipeline or electric
20 transmission facility—

21 (1) that is operating for the import or export
22 of oil or natural gas or the transmission of elec-
23 tricity to or from Canada or Mexico as of the date
24 of enactment of this Act;

1 (2) for which a permit described in section
2 2006 for such construction, connection, operation, or
3 maintenance has been issued; or

4 (3) for which a certificate of crossing for the
5 cross-border segment of the pipeline or facility has
6 previously been issued under section 2003.

7 **SEC. 2008. EFFECTIVE DATE; RULEMAKING DEADLINES.**

8 (a) **EFFECTIVE DATE.**—Sections 2003 through 2007,
9 and the amendments made by those sections, shall take
10 effect on January 1, 2016.

11 (b) **RULEMAKING DEADLINES.**—The Secretary of
12 Energy shall—

13 (1) not later than 180 days after the date of
14 enactment of this Act, publish in the Federal Reg-
15 ister notice of a proposed rulemaking to carry out
16 the applicable requirements of section 2003; and

17 (2) not later than 1 year after the date of en-
18 actment of this Act, publish in the Federal Register
19 a final rule to carry out the applicable requirements
20 of section 2003.

21 **Subtitle B—Keystone XL Permit**
22 **Approval**

23 **SEC. 2011. FINDINGS.**

24 Congress finds that—

1 (1) building the Keystone XL pipeline will pro-
2 vide jobs and economic growth to the United States;
3 and

4 (2) the Keystone XL pipeline should be ap-
5 proved immediately.

6 **SEC. 2012. KEYSTONE XL PERMIT APPROVAL.**

7 (a) IN GENERAL.—Notwithstanding Executive Order
8 13337 (3 U.S.C. 301 note; 69 Fed. Reg. 25299 (April 30,
9 2004)), Executive Order 11423 (3 U.S.C. 301 note; 33
10 Fed. Reg. 11741 (August 16, 1968)), section 301 of title
11 3, United States Code, and any other Executive order or
12 provision of law, no presidential permit shall be required
13 for the pipeline described in the application filed on May
14 4, 2012, by TransCanada Corporation to the Department
15 of State for the northern portion of the Keystone XL pipe-
16 line from the Canadian border to the border between the
17 States of South Dakota and Nebraska.

18 (b) ENVIRONMENTAL IMPACT STATEMENT.—The
19 final environmental impact statement issued by the Sec-
20 retary of State on January 31, 2014, regarding the pipe-
21 line referred to in subsection (a), shall be considered to
22 satisfy all requirements of the National Environmental
23 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

24 (c) CRITICAL HABITAT.—No area necessary to con-
25 struct or maintain the Keystone XL pipeline shall be con-

1 sidered critical habitat under the Endangered Species Act
2 of 1973 (16 U.S.C. 1531 et seq.) or any other provision
3 of law.

4 (d) PERMITS.—Any Federal permit or authorization
5 issued before the date of enactment of this Act for the
6 pipeline and cross-border facilities described in subsection
7 (a), and the related facilities in the United States, shall
8 remain in effect.

9 (e) FEDERAL JUDICIAL REVIEW.—The pipeline and
10 cross-border facilities described in subsection (a), and the
11 related facilities in the United States, that are approved
12 by this section, and any permit, right-of-way, or other ac-
13 tion taken to construct or complete the project pursuant
14 to Federal law, shall only be subject to judicial review on
15 direct appeal to the United States Court of Appeals for
16 the District of Columbia Circuit.

17 **TITLE III—OUTER CONTINENTAL** 18 **SHELF LEASING**

19 **SEC. 3001. FINDING.**

20 Congress finds that the United States has enormous
21 potential for offshore energy development and that the
22 people of the United States should have access to the jobs
23 and economic benefits from developing those resources.

1 **SEC. 3002. EXTENSION OF LEASING PROGRAM.**

2 (a) IN GENERAL.—Subject to subsection (c), the
3 Draft Proposed Outer Continental Shelf Oil and Gas
4 Leasing Program 2015–2020 issued by the Secretary of
5 the Interior (referred to in this title as the “Secretary”)
6 under section 18 of the Outer Continental Shelf Lands
7 Act (43 U.S.C. 1344) shall be considered to be the final
8 oil and gas leasing program under that section for the pe-
9 riod of fiscal years 2015 through 2020.

10 (b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—
11 The Secretary is considered to have issued a final environ-
12 mental impact statement for the program applicable to the
13 period described in subsection (a) in accordance with all
14 requirements under section 102(2)(C) of the National En-
15 vironmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

16 (c) EXCEPTIONS.—Lease Sales 214, 232, and 239
17 shall not be included in the final oil and gas leasing pro-
18 gram for the period of fiscal years 2015 through 2020.

19 **SEC. 3003. LEASE SALES.**

20 (a) IN GENERAL.—Except as otherwise provided in
21 this section, not later than 180 days after the date of en-
22 actment of this Act and every 270 days thereafter, the
23 Secretary shall conduct a lease sale in each outer Conti-
24 nental Shelf planning area for which the Secretary deter-
25 mines that there is a commercial interest in purchasing

1 Federal oil and gas leases for production on the outer Con-
2 tinental Shelf.

3 (b) SUBSEQUENT DETERMINATIONS AND SALES.—If
4 the Secretary determines that there is not a commercial
5 interest in purchasing Federal oil and gas leases for pro-
6 duction on the outer Continental Shelf in a planning area
7 under this section, not later than 2 years after the date
8 of the determination and every 2 years thereafter, the Sec-
9 retary shall—

10 (1) make an additional determination on wheth-
11 er there is a commercial interest in purchasing Fed-
12 eral oil and gas leases for production on the outer
13 Continental Shelf in the planning area; and

14 (2) if the Secretary determines that there is a
15 commercial interest under paragraph (1), conduct a
16 lease sale in the planning area.

17 (c) PROTECTION OF STATE INTEREST.—In devel-
18 oping future leasing programs, the Secretary shall give
19 deference to affected coastal States (as the term is used
20 in the Outer Continental Shelf Lands Act (43 U.S.C. 1331
21 et seq.)) in determining leasing areas to be included in
22 the leasing program.

23 (d) PETITIONS.—If a person petitions the Secretary
24 to conduct a lease sale for an outer Continental Shelf plan-
25 ning area in which the person has a commercial interest,

1 the Secretary shall conduct a lease sale for the area in
2 accordance with subsection (a).

3 **SEC. 3004. APPLICATIONS FOR PERMITS TO DRILL.**

4 Section 5 of the Outer Continental Shelf Lands Act
5 (43 U.S.C. 1334) is amended by adding at the end the
6 following:

7 “(k) APPLICATIONS FOR PERMITS TO DRILL.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 the Secretary shall approve or disapprove an applica-
10 tion for a permit to drill submitted under this Act
11 not later than 20 days after the date on which the
12 application is submitted to the Secretary.

13 “(2) DISAPPROVAL.—If the Secretary dis-
14 approves an application for a permit to drill under
15 paragraph (1), the Secretary shall—

16 “(A) provide to the applicant a description
17 of the reasons for the disapproval of the appli-
18 cation;

19 “(B) allow the applicant to resubmit an
20 application during the 10-day period beginning
21 on the date of the receipt of the description de-
22 scribed in subparagraph (A) by the applicant;
23 and

24 “(C) approve or disapprove any resub-
25 mitted application not later than 10 days after

1 the date on which the application is submitted
2 to the Secretary.”.

3 **SEC. 3005. LEASE SALES FOR CERTAIN AREAS.**

4 (a) IN GENERAL.—As soon as practicable but not
5 later than 1 year after the date of enactment of this Act,
6 the Secretary shall conduct Lease Sale 220 for areas off-
7 shore of the State of Virginia.

8 (b) COMPLIANCE WITH OTHER LAWS.—For pur-
9 poses of the lease sale described in subsection (a), the en-
10 vironmental impact statement prepared under section
11 3001 shall satisfy the requirements of the National Envi-
12 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

13 (c) ENERGY PROJECTS IN GULF OF MEXICO.—

14 (1) JURISDICTION.—The United States Court
15 of Appeals for the Fifth Circuit shall have exclusive
16 jurisdiction over challenges to offshore energy
17 projects and permits to drill carried out in the Gulf
18 of Mexico.

19 (2) FILING DEADLINE.—Any civil action to
20 challenge a project or permit described in paragraph
21 (1) shall be filed not later than 60 days after the
22 date of approval of the project or the issuance of the
23 permit.

1 **TITLE IV—UTILIZING AMERICA’S**
2 **ONSHORE RESOURCES**

3 **SEC. 4001. FINDINGS.**

4 Congress finds that—

5 (1) current policy has failed to take full advan-
6 tage of the natural resources on Federal land;

7 (2) the States should be given the option to
8 lead energy development on all available Federal
9 land in a State; and

10 (3) the Federal Government should not inhibit
11 energy development on Federal land.

12 **SEC. 4002. STATE OPTION FOR ENERGY DEVELOPMENT.**

13 Notwithstanding any other provision of this title, a
14 State may elect to control energy development and produc-
15 tion on available Federal land in accordance with the
16 terms and conditions of subtitle A and the amendments
17 made by subtitle A in lieu of being subject to the Federal
18 system established under subtitle B and the amendments
19 made by subtitle B.

20 **Subtitle A—Energy Development**
21 **by States**

22 **SEC. 4011. DEFINITIONS.**

23 In this subtitle:

1 (1) AVAILABLE FEDERAL LAND.—The term
 2 “available Federal land” means any Federal land
 3 that, as of the date of enactment of this Act—

4 (A) is located within the boundaries of a
 5 State;

6 (B) is not held by the United States in
 7 trust for the benefit of a federally recognized
 8 Indian tribe;

9 (C) is not a unit of the National Park Sys-
 10 tem;

11 (D) is not a unit of the National Wildlife
 12 Refuge System; and

13 (E) is not a congressionally designated wil-
 14 derness area.

15 (2) SECRETARY.—The term “Secretary” means
 16 the Secretary of the Interior.

17 (3) STATE.—The term “State” means—

18 (A) a State; and

19 (B) the District of Columbia.

20 **SEC. 4012. STATE PROGRAMS.**

21 (a) IN GENERAL.—A State—

22 (1) may establish a program covering the leas-
 23 ing and permitting processes, regulatory require-
 24 ments, and any other provisions by which the State
 25 would exercise the rights of the State to develop all

1 forms of energy resources on available Federal land
2 in the State; and

3 (2) as a condition of certification under section
4 4013(b) shall submit a declaration to the Depart-
5 ments of the Interior, Agriculture, and Energy that
6 a program under paragraph (1) has been established
7 or amended.

8 (b) AMENDMENT OF PROGRAMS.—A State may
9 amend a program developed and certified under this sub-
10 title at any time.

11 (c) CERTIFICATION OF AMENDED PROGRAMS.—Any
12 program amended under subsection (b) shall be certified
13 under section 4013(b).

14 **SEC. 4013. LEASING, PERMITTING, AND REGULATORY PRO-**
15 **GRAMS.**

16 (a) SATISFACTION OF FEDERAL REQUIREMENTS.—
17 Each program certified under this section shall be consid-
18 ered to satisfy all applicable requirements of Federal law
19 (including regulations), including—

20 (1) the National Environmental Policy Act of
21 1969 (42 U.S.C. 4321 et seq.);

22 (2) the Endangered Species Act of 1973 (16
23 U.S.C. 1531 et seq.); and

24 (3) the National Historic Preservation Act (16
25 U.S.C. 470 et seq.).

1 (b) FEDERAL CERTIFICATION AND TRANSFER OF
2 DEVELOPMENT RIGHTS.—Upon submission of a declara-
3 tion by a State under section 4012(a)(2)—

4 (1) the program under section 4012(a)(1) shall
5 be certified; and

6 (2) the State shall receive all rights from the
7 Federal Government to develop all forms of energy
8 resources covered by the program.

9 (c) ISSUANCE OF PERMITS AND LEASES.—If a State
10 elects to issue a permit or lease for the development of
11 any form of energy resource on any available Federal land
12 within the borders of the State in accordance with a pro-
13 gram certified under subsection (b), the permit or lease
14 shall be considered to meet all applicable requirements of
15 Federal law (including regulations).

16 **SEC. 4014. JUDICIAL REVIEW.**

17 Activities carried out in accordance with this subtitle
18 shall not be subject to Federal judicial review.

19 **SEC. 4015. ADMINISTRATIVE PROCEDURE ACT.**

20 Activities carried out in accordance with this subtitle
21 shall not be subject to subchapter II of chapter 5, and
22 chapter 7, of title 5, United States Code (commonly known
23 as the “Administrative Procedure Act”).

1 **Subtitle B—Onshore Oil and Gas**
 2 **Permit Streamlining**

3 **PART I—OIL AND GAS LEASING CERTAINTY**

4 **SEC. 4021. MINIMUM ACREAGE REQUIREMENT FOR ON-**
 5 **SHORE LEASE SALES.**

6 Section 17 of the Mineral Leasing Act (30 U.S.C.
 7 226) is amended—

8 (1) by striking “SEC. 17. (a) All lands” and in-
 9 serting the following:

10 **“SEC. 17. LEASE OF OIL AND GAS LAND.**

11 “(a) AUTHORITY OF SECRETARY.—

12 “(1) IN GENERAL.—All land”; and

13 (2) in subsection (a), by adding at the end the
 14 following:

15 “(2) MINIMUM ACREAGE REQUIREMENT FOR
 16 ONSHORE LEASE SALES.—

17 “(A) IN GENERAL.—In conducting lease
 18 sales under paragraph (1)—

19 “(i) there shall be a presumption that
 20 nominated land should be leased; and

21 “(ii) the Secretary of the Interior
 22 shall offer for sale all of the nominated
 23 acreage not previously made available for
 24 lease, unless the Secretary demonstrates by

1 clear and convincing evidence that an indi-
2 vidual lease should not be granted.

3 “(B) ADMINISTRATION.—Acreage offered
4 for lease pursuant to this paragraph—

5 “(i) shall not be subject to protest;
6 and

7 “(ii) shall be eligible for categorical
8 exclusions under section 390 of the Energy
9 Policy Act of 2005 (42 U.S.C. 15942), ex-
10 cept that the categorical exclusions shall
11 not be subject to the test of extraordinary
12 circumstances or any other similar regula-
13 tion or policy guidance.

14 “(C) AVAILABILITY.—In administering this
15 paragraph, the Secretary shall only consider
16 leasing of Federal land that is available for
17 leasing at the time the lease sale occurs.”.

18 **SEC. 4022. LEASING CERTAINTY.**

19 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
20 226(a)) (as amended by section 4061) is amended by add-
21 ing at the end the following:

22 “(3) LEASING CERTAINTY.—

23 “(A) IN GENERAL.—The Secretary of the
24 Interior shall not withdraw any covered energy
25 project (as defined in section 4051 of the Amer-

1 ican Energy Renaissance Act of 2015) issued
2 under this Act without finding a violation of the
3 terms of the lease by the lessee.

4 “(B) DELAY.—The Secretary shall not in-
5 fringe on lease rights under leases issued under
6 this Act by indefinitely delaying issuance of
7 project approvals, drilling and seismic permits,
8 and rights-of-way for activities under the lease.

9 “(C) AVAILABILITY FOR LEASE.—Not later
10 than 18 months after an area is designated as
11 open under the applicable land use plan, the
12 Secretary shall make available nominated areas
13 for lease using the criteria established under
14 section 2.

15 “(D) LAST PAYMENT.—

16 “(i) IN GENERAL.—Notwithstanding
17 any other provision of law, the Secretary
18 shall issue all leases sold not later than 60
19 days after the last payment is made.

20 “(ii) CANCELLATION.—The Secretary
21 shall not cancel or withdraw any lease par-
22 cel after a competitive lease sale has oc-
23 curred and a winning bidder has submitted
24 the last payment for the parcel.

25 “(E) PROTESTS.—

1 “(i) IN GENERAL.—Not later than the
2 end of the 60-day period beginning on the
3 date a lease sale is held under this Act, the
4 Secretary shall adjudicate any lease pro-
5 tests filed following a lease sale.

6 “(ii) UNSETTLED PROTEST.—If, after
7 the 60-day period described in clause (i)
8 any protest is left unsettled—

9 “(I) the protest shall be consid-
10 ered automatically denied; and

11 “(II) the appeal rights of the
12 protestor shall begin.

13 “(F) ADDITIONAL LEASE STIPULATIONS.—
14 No additional lease stipulation may be added
15 after the parcel is sold without consultation and
16 agreement of the lessee, unless the Secretary
17 considers the stipulation as an emergency ac-
18 tion to conserve the resources of the United
19 States.”.

20 **SEC. 4023. LEASING CONSISTENCY.**

21 A Federal land manager shall follow existing resource
22 management plans and continue to actively lease in areas
23 designated as open when resource management plans are
24 being amended or revised, until such time as a new record
25 of decision is signed.

1 **SEC. 4024. REDUCE REDUNDANT POLICIES.**

2 Bureau of Land Management Instruction Memo-
3 randum 2010–117 shall have no force or effect.

4 **SEC. 4025. STREAMLINED CONGRESSIONAL NOTIFICATION.**

5 Section 31(e) of the Mineral Leasing Act (30 U.S.C.
6 188(e)) is amended in the first sentence of the matter fol-
7 lowing paragraph (4) by striking “at least thirty days in
8 advance of the reinstatement” and inserting “in an annual
9 report”.

10 **PART II—APPLICATION FOR PERMITS TO DRILL**
11 **PROCESS REFORM**

12 **SEC. 4031. PERMIT TO DRILL APPLICATION TIMELINE.**

13 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
14 226(p)) is amended by striking paragraph (2) and insert-
15 ing the following:

16 “(2) APPLICATIONS FOR PERMITS TO DRILL RE-
17 FORM AND PROCESS.—

18 “(A) IN GENERAL.—Not later than the
19 end of the 30-day period beginning on the date
20 an application for a permit to drill is received
21 by the Secretary, the Secretary shall decide
22 whether to issue the permit.

23 “(B) EXTENSION.—

24 “(i) IN GENERAL.—The Secretary
25 may extend the period described in sub-
26 paragraph (A) for up to 2 periods of 15

1 days each, if the Secretary has given writ-
2 ten notice of the delay to the applicant.

3 “(ii) NOTICE.—The notice shall—

4 “(I) be in the form of a letter
5 from the Secretary or a designee of
6 the Secretary; and

7 “(II) include—

8 “(aa) the names and titles
9 of the persons processing the ap-
10 plication;

11 “(bb) the specific reasons
12 for the delay; and

13 “(cc) a specific date a final
14 decision on the application is ex-
15 pected.

16 “(C) NOTICE OF REASONS FOR DENIAL.—

17 If the application is denied, the Secretary shall
18 provide the applicant—

19 “(i) a written statement that provides
20 clear and comprehensive reasons why the
21 application was not accepted and detailed
22 information concerning any deficiencies;
23 and

24 “(ii) an opportunity to remedy any de-
25 ficiencies.

1 “(D) APPLICATION DEEMED APPROVED.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in clause (ii), if the Secretary has
4 not made a decision on the application by
5 the end of the 60-day period beginning on
6 the date the application is received by the
7 Secretary, the application shall be consid-
8 ered approved.

9 “(ii) EXCEPTIONS.—Clause (i) shall
10 not apply in cases in which existing reviews
11 under the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.) or
13 Endangered Species Act of 1973 (16
14 U.S.C. 1531 et seq.) are incomplete.

15 “(E) DENIAL OF PERMIT.—If the Sec-
16 retary decides not to issue a permit to drill
17 under this paragraph, the Secretary shall—

18 “(i) provide to the applicant a descrip-
19 tion of the reasons for the denial of the
20 permit;

21 “(ii) allow the applicant to resubmit
22 an application for a permit to drill during
23 the 10-day period beginning on the date
24 the applicant receives the description of
25 the denial from the Secretary; and

1 “(iii) issue or deny any resubmitted
2 application not later than 10 days after the
3 date the application is submitted to the
4 Secretary.

5 “(F) FEE.—

6 “(i) IN GENERAL.—Notwithstanding
7 any other provision of law, the Secretary
8 shall collect a single \$6,500 permit proc-
9 essing fee per application from each appli-
10 cant at the time the final decision is made
11 whether to issue a permit under subpara-
12 graph (A).

13 “(ii) RESUBMITTED APPLICATION.—
14 The fee required under clause (i) shall not
15 apply to any resubmitted application.

16 “(iii) TREATMENT OF PERMIT PROC-
17 ESSING FEE.—Subject to appropriation, of
18 all fees collected under this paragraph for
19 each fiscal year, 50 percent shall be—

20 “(I) transferred to the field office
21 at which the fees are collected; and

22 “(II) used to process protests,
23 leases, and permits under this Act.”.

1 **SEC. 4032. ADMINISTRATIVE PROTEST DOCUMENTATION**
2 **REFORM.**

3 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
4 226(p)) (as amended by section 4031) is amended by add-
5 ing at the end the following:

6 “(4) PROTEST FEE.—

7 “(A) IN GENERAL.—The Secretary shall
8 collect a \$5,000 documentation fee to accom-
9 pany each administrative protest for a lease,
10 right-of-way, or application for a permit to drill.

11 “(B) TREATMENT OF FEES.—Subject to
12 appropriation, of all fees collected under this
13 paragraph for each fiscal year, 50 percent
14 shall—

15 “(i) remain in the field office at which
16 the fees are collected; and

17 “(ii) be used to process protests.”.

18 **SEC. 4033. IMPROVED FEDERAL ENERGY PERMIT COORDI-**
19 **NATION.**

20 (a) DEFINITIONS.—In this section:

21 (1) ENERGY PROJECT.—The term “energy
22 project” includes any oil, natural gas, coal, or other
23 energy project, as defined by the Secretary.

24 (2) PROJECT.—The term “Project” means the
25 Federal Permit Streamlining Project established
26 under subsection (b).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (b) ESTABLISHMENT.—The Secretary shall establish
4 a Federal Permit Streamlining Project in each Bureau of
5 Land Management field office with responsibility for per-
6 mitting energy projects on Federal land.

7 (c) MEMORANDUM OF UNDERSTANDING.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of enactment of this Act, the Secretary
10 shall enter into a memorandum of understanding for
11 purposes of carrying out this section with—

12 (A) the Secretary of Agriculture;

13 (B) the Administrator of the Environ-
14 mental Protection Agency; and

15 (C) the Chief of Engineers.

16 (2) STATE PARTICIPATION.—The Secretary
17 may request that the Governor of any State with en-
18 ergy projects on Federal land to be a signatory to
19 the memorandum of understanding.

20 (d) DESIGNATION OF QUALIFIED STAFF.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date of the signing of the memorandum of un-
23 derstanding under subsection (c), each Federal sig-
24 natory party shall, if appropriate, assign to each Bu-
25 reau of Land Management field office an employee

1 who has expertise in the regulatory issues relating to
2 the office in which the employee is employed, includ-
3 ing, as applicable, particular expertise in—

4 (A) the consultations and the preparation
5 of biological opinions under section 7 of the En-
6 dangered Species Act of 1973 (16 U.S.C.
7 1536);

8 (B) permits under section 404 of the Fed-
9 eral Water Pollution Control Act (33 U.S.C.
10 1344);

11 (C) regulatory matters under the Clean Air
12 Act (42 U.S.C. 7401 et seq.);

13 (D) planning under the National Forest
14 Management Act of 1976 (16 U.S.C. 1600 et
15 seq.); and

16 (E) the preparation of analyses under the
17 National Environmental Policy Act of 1969 (42
18 U.S.C. 4321 et seq.).

19 (2) DUTIES.—Each employee assigned under
20 paragraph (1) shall—

21 (A) not later than 90 days after the date
22 of assignment, report to the Bureau of Land
23 Management Field Managers in the office to
24 which the employee is assigned;

1 (B) be responsible for all issues relating to
2 the energy projects that arise under the au-
3 thorities of the home agency of the employee;
4 and

5 (C) participate as part of the team of per-
6 sonnel working on proposed energy projects,
7 planning, and environmental analyses on Fed-
8 eral land.

9 (e) ADDITIONAL PERSONNEL.—The Secretary shall
10 assign to each Bureau of Land Management field office
11 described in subsection (b) any additional personnel that
12 are necessary to ensure the effective approval and imple-
13 mentation of energy projects administered by the Bureau
14 of Land Management field office, including inspection and
15 enforcement relating to energy development on Federal
16 land, in accordance with the multiple use mandate of the
17 Federal Land Policy and Management Act of 1976 (43
18 U.S.C. 1701 et seq.).

19 (f) FUNDING.—Funding for the additional personnel
20 shall come from the Department of the Interior reforms
21 under paragraph (2) of section 17(p) of the Mineral Leas-
22 ing Act (30 U.S.C. 226(p)) (as amended by section 4031
23 and section 4032).

24 (g) SAVINGS PROVISION.—Nothing in this section af-
25 fects—

1 (1) the operation of any Federal or State law;
2 or
3 (2) any delegation of authority made by the
4 head of a Federal agency any employee of which is
5 participating in the Project.

6 **SEC. 4034. ADMINISTRATION.**

7 Notwithstanding any other provision of law, the Sec-
8 retary of the Interior shall not require a finding of extraor-
9 dinary circumstances in administering section 390 of the
10 Energy Policy Act of 2005 (42 U.S.C. 15942).

11 **PART III—OIL SHALE**

12 **SEC. 4041. EFFECTIVENESS OF OIL SHALE REGULATIONS,**
13 **AMENDMENTS TO RESOURCE MANAGEMENT**
14 **PLANS, AND RECORD OF DECISION.**

15 (a) REGULATIONS.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law (including regulations), the final
18 regulations regarding oil shale management pub-
19 lished by the Bureau of Land Management on No-
20 vember 18, 2008 (73 Fed. Reg. 69414), shall be
21 considered to satisfy all legal and procedural re-
22 quirements under any law, including—

23 (A) the Federal Land Policy and Manage-
24 ment Act of 1976 (43 U.S.C. 1701 et seq.);

1 (B) the Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.); and

3 (C) the National Environmental Policy Act
4 of 1969 (42 U.S.C. 4321 et seq.).

5 (2) IMPLEMENTATION.—The Secretary of the
6 Interior shall implement the regulations described in
7 paragraph (1) (including the oil shale leasing pro-
8 gram authorized by the regulations) without any
9 other administrative action necessary.

10 (b) AMENDMENTS TO RESOURCE MANAGEMENT
11 PLANS AND RECORD OF DECISION.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law (including regulations) to the con-
14 trary, the Approved Resource Management Plan
15 Amendments/Record of Decision for Oil Shale and
16 Tar Sands Resources to Address Land Use Alloca-
17 tions in Colorado, Utah, and Wyoming and the Final
18 Programmatic Environmental Impact Statement of
19 the Bureau of Land Management, as in effect on
20 November 17, 2008, shall be considered to satisfy all
21 legal and procedural requirements under any law, in-
22 cluding—

23 (A) the Federal Land Policy and Manage-
24 ment Act of 1976 (43 U.S.C. 1701 et seq.);

1 (B) the Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.); and

3 (C) the National Environmental Policy Act
4 of 1969 (42 U.S.C. 4321 et seq.).

5 (2) IMPLEMENTATION.—The Secretary of the
6 Interior shall implement the oil shale leasing pro-
7 gram authorized by the regulations described in
8 paragraph (1) in those areas covered by the resource
9 management plans covered by the amendments, and
10 covered by the record of decision, described in para-
11 graph (1) without any other administrative action
12 necessary.

13 **SEC. 4042. OIL SHALE LEASING.**

14 (a) ADDITIONAL RESEARCH AND DEVELOPMENT
15 LEASE SALES.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary of the Interior
17 shall hold a lease sale offering an additional 10 parcels
18 for lease for research, development, and demonstration of
19 oil shale resources, under the terms offered in the solicita-
20 tion of bids for such leases published on January 15, 2009
21 (74 Fed. Reg. 2611).

22 (b) COMMERCIAL LEASE SALES.—

23 (1) IN GENERAL.—Not later than January 1,
24 2017, the Secretary of the Interior shall hold not
25 less than 5 separate commercial lease sales in areas

1 considered to have the most potential for oil shale
 2 development, as determined by the Secretary, in
 3 areas nominated through public comment.

4 (2) ADMINISTRATION.—Each lease sale shall
 5 be—

6 (A) for an area of not less than 25,000
 7 acres; and

8 (B) in multiple lease blocs.

9 **PART IV—NATIONAL PETROLEUM RESERVE IN**
 10 **ALASKA ACCESS**

11 **SEC. 4051. SENSE OF CONGRESS AND REAFFIRMING NA-**
 12 **TIONAL POLICY FOR THE NATIONAL PETRO-**
 13 **LEUM RESERVE IN ALASKA.**

14 It is the sense of Congress that—

15 (1) the National Petroleum Reserve in Alaska
 16 remains explicitly designated, both in name and legal
 17 status, for purposes of providing oil and natural gas
 18 resources to the United States; and

19 (2) accordingly, the national policy is to actively
 20 advance oil and gas development within the Reserve
 21 by facilitating the expeditious exploration, produc-
 22 tion, and transportation of oil and natural gas from
 23 and through the Reserve.

1 **SEC. 4052. NATIONAL PETROLEUM RESERVE IN ALASKA:**
2 **LEASE SALES.**

3 Section 107 of the Naval Petroleum Reserves Produc-
4 tion Act of 1976 (42 U.S.C. 6506a) is amended by strik-
5 ing subsection (a) and inserting the following:

6 “(a) IN GENERAL.—The Secretary shall conduct an
7 expeditious program of competitive leasing of oil and gas
8 in the Reserve—

9 “(1) in accordance with this Act; and

10 “(2) that shall include at least 1 lease sale an-
11 nually in the areas of the Reserve most likely to
12 produce commercial quantities of oil and natural gas
13 for each of calendar years 2015 through 2024.”.

14 **SEC. 4053. NATIONAL PETROLEUM RESERVE IN ALASKA:**
15 **PLANNING AND PERMITTING PIPELINE AND**
16 **ROAD CONSTRUCTION.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, the Secretary of the Interior, in consultation
19 with other appropriate Federal agencies, shall facilitate
20 and ensure permits, in a timely and environmentally re-
21 sponsible manner, for all surface development activities,
22 including for the construction of pipelines and roads, nec-
23 essary—

24 (1) to develop and bring into production any
25 areas within the National Petroleum Reserve in
26 Alaska that are subject to oil and gas leases; and

1 (2) to transport oil and gas from and through
2 the National Petroleum Reserve in Alaska in the
3 most direct manner possible to existing transpor-
4 tation or processing infrastructure on the North
5 Slope of Alaska.

6 (b) **TIMELINE.**—The Secretary shall ensure that any
7 Federal permitting agency shall issue permits in accord-
8 ance with the following timeline:

9 (1) Permits for the construction described in
10 subsection (a) for transportation of oil and natural
11 gas produced under existing Federal oil and gas
12 leases with respect to which the Secretary has issued
13 a permit to drill shall be approved not later than 60
14 days after the date of enactment of this Act.

15 (2) Permits for the construction described in
16 subsection (a) for transportation of oil and natural
17 gas produced under Federal oil and gas leases shall
18 be approved not later than 180 days after the date
19 on which a request for a permit to drill is submitted
20 to the Secretary.

21 (c) **PLAN.**—To ensure timely future development of
22 the National Petroleum Reserve in Alaska, not later than
23 270 days after the date of enactment of this Act, the Sec-
24 retary of the Interior shall submit to Congress a plan for
25 approved rights-of-way for a plan for pipeline, road, and

1 any other surface infrastructure that may be necessary in-
2 frastructure that will ensure that all leasable tracts in the
3 Reserve are within 25 miles of an approved road and pipe-
4 line right-of-way that can serve future development of the
5 Reserve.

6 **SEC. 4054. ISSUANCE OF A NEW INTEGRATED ACTIVITY**
7 **PLAN AND ENVIRONMENTAL IMPACT STATE-**
8 **MENT.**

9 (a) ISSUANCE OF NEW INTEGRATED ACTIVITY
10 PLAN.—Not later than 180 days after the date of enact-
11 ment of this Act, the Secretary of the Interior shall
12 issue—

13 (1) a new proposed integrated activity plan
14 from among the nonadopted alternatives in the Na-
15 tional Petroleum Reserve Alaska-Integrated Activity
16 Plan Record of Decision issued by the Secretary of
17 the Interior and dated February 21, 2013; and

18 (2) an environmental impact statement under
19 section 102(2)(C) of the National Environmental
20 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for
21 issuance of oil and gas leases in the National Petro-
22 leum Reserve-Alaska to promote efficient and max-
23 imum development of oil and natural gas resources
24 of the Reserve.

1 (b) NULLIFICATION OF EXISTING RECORD OF DECI-
2 SION, IAP, AND EIS.—Except as provided in subsection
3 (a), the National Petroleum Reserve-Alaska Integrated
4 Activity Plan Record of Decision issued by the Secretary
5 of the Interior and dated February 21, 2013, including
6 the integrated activity plan and environmental impact
7 statement referred to in that record of decision, shall have
8 no force or effect.

9 **SEC. 4055. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOP-**
10 **MENT.**

11 The Secretary of the Interior shall promulgate regu-
12 lations not later than 180 days after the date of enactment
13 of this Act that establish clear requirements to ensure that
14 the Department of the Interior is supporting development
15 of oil and gas leases in the National Petroleum Reserve-
16 Alaska.

17 **SEC. 4056. DEADLINES UNDER NEW PROPOSED INTE-**
18 **GRATED ACTIVITY PLAN.**

19 At a minimum, the new proposed integrated activity
20 plan issued under section 4054(a)(1) shall—

21 (1) require the Department of the Interior to
22 respond within 5 business days to a person who sub-
23 mits an application for a permit for development of
24 oil and natural gas leases in the National Petroleum

1 Reserve-Alaska acknowledging receipt of the applica-
2 tion; and

3 (2) establish a timeline for the processing of
4 each application that—

5 (A) specifies deadlines for decisions and
6 actions on permit applications; and

7 (B) provides that the period for issuing a
8 permit after the date on which the application
9 is submitted shall not exceed 60 days without
10 the concurrence of the applicant.

11 **SEC. 4057. UPDATED RESOURCE ASSESSMENT.**

12 (a) IN GENERAL.—The Secretary of the Interior shall
13 complete a comprehensive assessment of all technically re-
14 coverable fossil fuel resources within the National Petro-
15 leum Reserve in Alaska, including all conventional and un-
16 conventional oil and natural gas.

17 (b) COOPERATION AND CONSULTATION.—The as-
18 sessment required by subsection (a) shall be carried out
19 by the United States Geological Survey in cooperation and
20 consultation with the State of Alaska and the American
21 Association of Petroleum Geologists.

22 (c) TIMING.—The assessment required by subsection
23 (a) shall be completed not later than 2 years after the
24 date of enactment of this Act.

1 (d) FUNDING.—In carrying out this section, the
2 United States Geological Survey may cooperatively use re-
3 sources and funds provided by the State of Alaska.

4 **PART V—MISCELLANEOUS PROVISIONS**

5 **SEC. 4061. SANCTIONS.**

6 Nothing in this title authorizes the issuance of a lease
7 under the Mineral Leasing Act (30 U.S.C. 181 et seq.)
8 to any person designated for the imposition of sanctions
9 pursuant to—

10 (1) the Syria Accountability and Lebanese Sov-
11 ereignty Restoration Act of 2003 (22 U.S.C. 2151
12 note; Public Law 108–175);

13 (2) the Comprehensive Iran Sanctions, Account-
14 ability, and Divestiture Act of 2010 (22 U.S.C. 8501
15 et seq.);

16 (3) section 1245 of the National Defense Au-
17 thorization Act for Fiscal Year 2012 (22 U.S.C.
18 8513a);

19 (4) the Iran Threat Reduction and Syria
20 Human Rights Act of 2012 (22 U.S.C. 8701 et
21 seq.);

22 (5) the Iran Freedom and Counter-Proliferation
23 Act of 2012 (22 U.S.C. 8801 et seq.);

24 (6) the Iran Sanctions Act of 1996 (50 U.S.C.
25 1701 note; Public Law 104–172);

1 (7) Executive Order 13224 (50 U.S.C. 1701
2 note; relating to blocking property and prohibiting
3 transactions with persons who commit, threaten to
4 commit, or support terrorism);

5 (8) Executive Order 13338 (50 U.S.C. 1701
6 note; relating to blocking property of certain persons
7 and prohibiting the export of certain goods to
8 Syria);

9 (9) Executive Order 13622 (50 U.S.C. 1701
10 note; relating to authorizing additional sanctions
11 with respect to Iran);

12 (10) Executive Order 13628 (50 U.S.C. 1701
13 note; relating to authorizing additional sanctions
14 with respect to Iran); or

15 (11) Executive Order 13645 (50 U.S.C. 1701
16 note; relating to authorizing additional sanctions
17 with respect to Iran).

18 **SEC. 4062. ENSURING CONSIDERATION OF ECONOMIC IM-**
19 **PACTS OF PROTECTIONS FOR ENDANGERED**
20 **SPECIES AND THREATENED SPECIES.**

21 (a) IN GENERAL.—Section 13 of the Endangered
22 Species Act of 1973 (87 Stat. 902; relating to conforming
23 amendments to other laws, which have been executed) is
24 amended to read as follows:

1 **“SEC. 13. ENSURING THE CONSIDERATION OF THE ECO-**
2 **NOMIC IMPACTS OF PROTECTIONS.**

3 “(a) CONSIDERATION OF ECONOMIC COSTS AND
4 BENEFITS.—Notwithstanding any other provision of this
5 Act, any authorization, requirement, or prohibition of, or
6 other restriction on, any action by a Federal agency or
7 other person under this Act shall not apply with respect
8 to a species determined by the Secretary to be an endan-
9 gered species or threatened species, unless—

10 “(1) the Secretary has published and submitted
11 to Congress a report that—

12 “(A) describes the application;

13 “(B) sets forth the data considered by the
14 Secretary regarding the economic costs and
15 benefits of the application; and

16 “(C) determines that the economic benefits
17 of the application exceed the economic costs of
18 the application; and

19 “(2) the application is authorized expressly with
20 respect to that species in a law enacted by Congress
21 after the date of enactment of the American Energy
22 Renaissance Act of 2015.

23 “(b) LIMITATIONS.—Subsection (a)—

24 “(1) does not affect any authority of the Sec-
25 retary under this Act—

1 “(A) to determine that a species is an en-
2 dangered species or threatened species and des-
3 ignate the critical habitat of that species;

4 “(B) to conduct research regarding a spe-
5 cies or the critical habitat of that species; or

6 “(C) to prepare, publish, or revise lists, or
7 conduct reviews, under section 4(c);

8 “(2) does not apply with respect to a species
9 if—

10 “(A) the Secretary—

11 “(i) determines that prompt applica-
12 tion of an authorization, requirement, or
13 prohibition under this Act is necessary to
14 prevent the extinction of the species; and

15 “(ii) convenes a meeting of the En-
16 dangered Species Committee to consider
17 that determination, except that for pur-
18 poses of this paragraph each member of
19 the Committee from an affected State
20 under section 4(e)(3)(G) shall be appointed
21 by the Governor of that State; and

22 “(B) the Committee—

23 “(i) concurs in that determination by
24 not later than 30 days after the date the
25 Secretary convenes the Committee; and

1 “(ii) the vote to concur in that deter-
2 mination is unanimous, with all 7 votes in
3 favor; and

4 “(3) does not affect the application of this Act
5 with respect to a species that is included in the list
6 in effect under section 4(c) on the date of enactment
7 of the American Energy Renaissance Act of 2015,
8 during the 15-year period beginning on that date of
9 enactment.

10 “(c) CHANGE IN STATUS OF SPECIES.—

11 “(1) IN GENERAL.—A species shall not be
12 treated under this Act as an endangered species or
13 threatened species after the end of the 15-year pe-
14 riod beginning on the date the Secretary determines
15 under this Act that the species is an endangered
16 species or a threatened species, unless the Secretary
17 determines under section 4(c)(2), after the end of
18 the 10-year period beginning on that date, that the
19 species should not be changed in status.

20 “(2) APPLICATION WITH RESPECT TO PRE-
21 VIOUSLY LISTED SPECIES.—In the case of a species
22 included in a list under section 4(c) in effect on the
23 date of enactment of the American Energy Renais-
24 sance Act of 2015, paragraph (1) shall be applied by
25 substituting that date of enactment for the date ‘the

1 Secretary determines under this Act that the species
 2 is an endangered species or a threatened species’.”.

3 (b) CONFORMING AMENDMENT.—The table of con-
 4 tents for the Endangered Species Act of 1973 (15 U.S.C.
 5 1531 note) is amended by striking the item relating to
 6 section 13 and inserting the following:

“Sec. 13. Ensuring the consideration of the economic impacts of protections.”.

7 **PART VI—JUDICIAL REVIEW**

8 **SEC. 4071. DEFINITIONS.**

9 In this part:

10 (1) COVERED CIVIL ACTION.—The term “cov-
 11 ered civil action” means a civil action containing a
 12 claim under section 702 of title 5, United States
 13 Code, regarding agency action (as defined for the
 14 purposes of that section) affecting a covered energy
 15 project on Federal land.

16 (2) COVERED ENERGY PROJECT.—

17 (A) IN GENERAL.—The term “covered en-
 18 ergy project” means—

19 (i) the leasing of Federal land for the
 20 exploration, development, production, proc-
 21 essing, or transmission of oil, natural gas,
 22 wind, or any other source of energy; and

23 (ii) any action under the lease.

24 (B) EXCLUSION.—The term “covered en-
 25 ergy project” does not include any dispute be-

1 tween the parties to a lease regarding the obli-
2 gations under the lease, including any alleged
3 breach of the lease.

4 **SEC. 4072. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
5 **RELATING TO COVERED ENERGY PROJECTS.**

6 Venue for any covered civil action shall lie in the
7 United States district court in which the covered energy
8 project or lease exists or is proposed.

9 **SEC. 4073. TIMELY FILING.**

10 To ensure timely redress by the courts, a covered civil
11 action shall be filed not later than the end of the 90-day
12 period beginning on the date of the final Federal agency
13 action to which the covered civil action relates.

14 **SEC. 4074. EXPEDITION IN HEARING AND DETERMINING**
15 **THE ACTION.**

16 The court shall endeavor to hear and determine any
17 covered civil action as expeditiously as practicable.

18 **SEC. 4075. LIMITATION ON INJUNCTION AND PROSPECTIVE**
19 **RELIEF.**

20 (a) IN GENERAL.—In a covered civil action, a court
21 shall not grant or approve any prospective relief unless
22 the court finds that the relief—

23 (1) is narrowly drawn;

24 (2) extends no further than necessary to correct
25 the violation of a legal requirement; and

1 (3) is the least intrusive means necessary to
2 correct the violation.

3 (b) DURATION.—

4 (1) IN GENERAL.—A court shall limit the dura-
5 tion of preliminary injunctions to halt covered en-
6 ergy projects to not more than 60 days, unless the
7 court finds clear reasons to extend the injunction.

8 (2) ADMINISTRATION.—In the case of an exten-
9 sion, the extension shall—

10 (A) only be in 30-day increments; and

11 (B) require action by the court to renew
12 the injunction.

13 **SEC. 4076. LIMITATION ON ATTORNEYS' FEES AND COURT**
14 **COSTS.**

15 (a) IN GENERAL.—Sections 504 of title 5 and 2412
16 of title 28, United States Code (commonly known as the
17 “Equal Access to Justice Act”), shall not apply to a cov-
18 ered civil action.

19 (b) COURT COSTS.—A party to a covered civil action
20 shall not receive payment from the Federal Government
21 for the attorneys’ fees, expenses, or other court costs in-
22 curred by the party.

23 **SEC. 4077. LEGAL STANDING.**

24 A challenger that files an appeal with the Department
25 of the Interior Board of Land Appeals shall meet the same

1 standing requirements as a challenger before a United
2 States district court.

3 **TITLE V—ADDITIONAL ONSHORE**
4 **RESOURCES**

5 **Subtitle A—Leasing Program for**
6 **Land Within Coastal Plain**

7 **SEC. 5001. FINDING.**

8 Congress finds that development of energy reserves
9 under the Coastal Plain of Alaska, performed in an envi-
10 ronmentally responsible manner, will contribute to job
11 growth and economic development.

12 **SEC. 5002. DEFINITIONS.**

13 In this subtitle:

14 (1) COASTAL PLAIN.—The term “Coastal
15 Plain” means the area described in appendix I to
16 part 37 of title 50, Code of Federal Regulations.

17 (2) PEER REVIEWED.—The term “peer re-
18 viewed” means reviewed—

19 (A) by individuals chosen by the National
20 Academy of Sciences with no contractual rela-
21 tionship with, or those who have no application
22 for a grant or other funding pending with, the
23 Federal agency with leasing jurisdiction; or

24 (B) if individuals described in subpara-
25 graph (A) are not available, by the top individ-

1 uals in the specified biological fields, as deter-
2 mined by the National Academy of Sciences.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 **SEC. 5003. LEASING PROGRAM FOR LAND ON THE COASTAL**
6 **PLAIN.**

7 (a) IN GENERAL.—The Secretary shall—

8 (1) establish and implement, in accordance with
9 this subtitle and acting through the Director of the
10 Bureau of Land Management in consultation with
11 the Director of the United States Fish and Wildlife
12 Service, a competitive oil and gas leasing program
13 that will result in the exploration, development, and
14 production of the oil and gas resources of the Coast-
15 al Plain; and

16 (2) administer the provisions of this subtitle
17 through regulations, lease terms, conditions, restric-
18 tions, prohibitions, stipulations, and other provisions
19 that ensure the oil and gas exploration, development,
20 and production activities on the Coastal Plain do not
21 result in any significant adverse effect on fish and
22 wildlife, the habitat of fish and wildlife, subsistence
23 resources, or the environment, including, in further-
24 ance of this goal, by requiring the application of the
25 best commercially available technology for oil and

1 gas exploration, development, and production to all
2 exploration, development, and production operations
3 under this subtitle in a manner that ensures the re-
4 ceipt of fair market value by the public for the min-
5 eral resources to be leased.

6 (b) REPEAL OF EXISTING RESTRICTION.—

7 (1) REPEAL.—Section 1003 of the Alaska Na-
8 tional Interest Lands Conservation Act (16 U.S.C.
9 3143) is repealed.

10 (2) CONFORMING AMENDMENT.—The table of
11 contents contained in section 1 of that Act (16
12 U.S.C. 3101 note) is amended by striking the item
13 relating to section 1003.

14 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-
15 TAIN OTHER LAWS.—

16 (1) COMPATIBILITY.—For purposes of the Na-
17 tional Wildlife Refuge System Administration Act of
18 1966 (16 U.S.C. 668dd et seq.), the oil and gas
19 leasing program and activities authorized by this
20 section on the Coastal Plain are deemed to be com-
21 patible with the purposes for which the Arctic Na-
22 tional Wildlife Refuge was established, and no fur-
23 ther findings or decisions are required to implement
24 this determination.

1 (2) ADEQUACY OF THE DEPARTMENT OF THE
2 INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT
3 STATEMENT.—The document of the Department of
4 the Interior entitled “Final Legislative Environ-
5 mental Impact Statement” and dated April 1987 re-
6 lating to the Coastal Plain prepared pursuant to sec-
7 tion 1002 of the Alaska National Interest Lands
8 Conservation Act (16 U.S.C. 3142) and section
9 102(2)(C) of the National Environmental Policy Act
10 of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy
11 the requirements under the National Environmental
12 Policy Act of 1969 (42 U.S.C. 4321 et seq.) that
13 apply with respect to prelease activities under this
14 subtitle, including actions authorized to be taken by
15 the Secretary to develop and promulgate regulations
16 for the establishment of a leasing program author-
17 ized by this subtitle before the conduct of the first
18 lease sale.

19 (3) COMPLIANCE WITH NEPA FOR OTHER AC-
20 TIONS.—

21 (A) IN GENERAL.—Prior to conducting the
22 first lease sale under this subtitle, the Secretary
23 shall prepare an environmental impact state-
24 ment under the National Environmental Policy
25 Act of 1969 (42 U.S.C. 4321 et seq.) with re-

1 spect to the actions authorized by this subtitle
2 not covered by paragraph (2).

3 (B) NONLEASING ALTERNATIVES NOT RE-
4 QUIRED.—Notwithstanding any other provision
5 of law, in preparing the environmental impact
6 statement under subparagraph (A), the Sec-
7 retary—

8 (i) shall—

9 (I) only identify a preferred ac-
10 tion for leasing and a single leasing
11 alternative; and

12 (II) analyze the environmental ef-
13 fects and potential mitigation meas-
14 ures for those 2 alternatives; and

15 (ii) is not required—

16 (I) to identify nonleasing alter-
17 native courses of action; or

18 (II) to analyze the environmental
19 effects of nonleasing alternative
20 courses of action.

21 (C) DEADLINE.—The identification under
22 subparagraph (B)(i)(I) for the first lease sale
23 conducted under this subtitle shall be completed
24 not later than 18 months after the date of en-
25 actment of this Act.

1 (D) PUBLIC COMMENT.—The Secretary
2 shall only consider public comments that—

3 (i) specifically address the preferred
4 action of the Secretary; and

5 (ii) are filed not later than 20 days
6 after the date on which the environmental
7 analysis is published.

8 (E) COMPLIANCE.—Notwithstanding any
9 other provision of law, compliance with this
10 paragraph is deemed to satisfy all requirements
11 for the analysis and consideration of the envi-
12 ronmental effects of proposed leasing under this
13 subtitle.

14 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-
15 ITY.—Nothing in this subtitle expands or limits State or
16 local regulatory authority.

17 (e) SPECIAL AREAS.—

18 (1) IN GENERAL.—The Secretary, after con-
19 sultation with the State of Alaska, the city of
20 Kaktovik and the North Slope Borough of the State
21 of Alaska, may designate not more than 45,000
22 acres of the Coastal Plain as a “Special Area” if the
23 Secretary determines that the area is of such unique
24 character and interest so as to require special man-
25 agement and regulatory protection.

1 (2) SADLEROCHIT SPRING AREA.—The Sec-
2 retary shall designate the Sadlerochit Spring area,
3 consisting of approximately 4,000 acres, as a Special
4 Area.

5 (3) MANAGEMENT.—Each Special Area shall be
6 managed To protect and preserve the unique and di-
7 verse character of the area, including the fish, wild-
8 life, and subsistence resource values of the area.

9 (4) EXCLUSION FROM LEASING OR SURFACE
10 OCCUPANCY.—

11 (A) IN GENERAL.—The Secretary may ex-
12 clude any Special Area from leasing.

13 (B) NO SURFACE OCCUPANCY.—If the Sec-
14 retary leases a Special Area, or any part of a
15 Special Area, for oil and gas exploration, devel-
16 opment, production, or related activities, there
17 shall be no surface occupancy of the land com-
18 prising the Special Area.

19 (5) DIRECTIONAL DRILLING.—Notwithstanding
20 the other provisions of this subsection, the Secretary
21 may lease all or a portion of a Special Area under
22 terms that permit the use of horizontal drilling tech-
23 nology from sites on leases tracts located outside the
24 Special Area.

1 (f) LIMITATION ON CLOSED AREAS.—The authority
2 of the Secretary to close land on the Coastal Plain to oil
3 and gas leasing, exploration, development, or production
4 shall be limited to the authority provided under this sub-
5 title.

6 (g) REGULATIONS.—

7 (1) IN GENERAL.—Not later than 15 months
8 after the date of enactment of this Act, the Sec-
9 retary shall promulgate regulations necessary to
10 carry out this subtitle, including regulations relating
11 to protection of fish and wildlife, the habitat of fish
12 and wildlife, subsistence resources, and environment
13 of the Coastal Plain.

14 (2) REVISION OF REGULATIONS.—The Sec-
15 retary shall, through a rulemaking conducted in ac-
16 cordance with section 553 of title 5, United States
17 Code, periodically review and, if appropriate, revise
18 the regulations promulgated under paragraph (1) to
19 reflect a preponderance of the best available sci-
20 entific evidence that has been peer reviewed and ob-
21 tained by following appropriate, documented sci-
22 entific procedures, the results of which can be re-
23 peated using those same procedures.

1 **SEC. 5004. LEASE SALES.**

2 (a) IN GENERAL.—In accordance with the require-
3 ments of this subtitle, the Secretary may lease land under
4 this subtitle to any person qualified to obtain a lease for
5 deposits of oil and gas under the Mineral Leasing Act (30
6 U.S.C. 181 et seq.).

7 (b) PROCEDURES.—The Secretary shall, by regula-
8 tion and not later than 180 days after the date of enact-
9 ment of this Act, establish procedures for—

10 (1) receipt and consideration of sealed nomina-
11 tions for any area of the Coastal Plain for inclusion
12 in, or exclusion from, a lease sale;

13 (2) the holding of lease sales after the nomina-
14 tion process; and

15 (3) public notice of and comment on designa-
16 tion of areas to be included in, or excluded from, a
17 lease sale.

18 (c) LEASE SALE BIDS.—Lease sales under this sub-
19 title may be conducted through an Internet leasing pro-
20 gram, if the Secretary determines that the Internet leasing
21 program will result in savings to the taxpayer, an increase
22 in the number of bidders participating, and higher returns
23 than oral bidding or a sealed bidding system.

24 (d) SALE ACREAGES AND SCHEDULE.—The Sec-
25 retary shall—

26 (1) offer for lease under this subtitle—

1 (A) those tracts the Secretary considers to
2 have the greatest potential for the discovery of
3 hydrocarbons, taking into consideration nomi-
4 nations received under subsection (b)(1); and

5 (B)(i) not fewer than 50,000 acres by not
6 later than 22 months after the date of the en-
7 actment of this Act; and

8 (ii) not fewer than an additional 50,000
9 acres at 6-, 12-, and 18-month intervals fol-
10 lowing the initial offering under subclause (i);

11 (2) conduct 4 additional lease sales under the
12 same terms and schedule as the last lease sale under
13 paragraph (1)(B)(ii) not later than 2 years after the
14 date of that sale, if sufficient interest in leasing ex-
15 ists to warrant, in the judgment of the Secretary,
16 the conduct of the sales; and

17 (3) evaluate the bids in each lease sale under
18 this subsection and issue leases resulting from the
19 sales not later than 90 days after the date on which
20 the sale is completed.

21 **SEC. 5005. GRANT OF LEASES BY THE SECRETARY.**

22 (a) IN GENERAL.—The Secretary may grant to the
23 highest responsible qualified bidder in a lease sale con-
24 ducted under section 5004 any land to be leased on the

1 Coastal Plain upon payment by the bidder of any bonus
2 as may be accepted by the Secretary.

3 (b) SUBSEQUENT TRANSFERS.—No lease issued
4 under this subtitle may be sold, exchanged, assigned, sub-
5 let, or otherwise transferred except with the approval of
6 the Secretary after the Secretary consults with, and gives
7 due consideration to the views of, the Attorney General.

8 **SEC. 5006. LEASE TERMS AND CONDITIONS.**

9 An oil or gas lease issued under this subtitle shall—

10 (1) provide for the payment of a royalty of not
11 less than 12.5 percent in amount or value of the
12 production removed or sold under the lease, as de-
13 termined by the Secretary under the regulations ap-
14 plicable to other Federal oil and gas leases;

15 (2) provide that the Secretary may close, on a
16 seasonal basis, portions of the Coastal Plain to ex-
17 ploratory drilling activities as necessary to protect
18 caribou calving areas and other species of fish and
19 wildlife based on a preponderance of the best avail-
20 able scientific evidence that has been peer reviewed
21 and obtained by following appropriate, documented
22 scientific procedures, the results of which can be re-
23 peated using those same procedures;

24 (3) require that the lessee of land on the Coast-
25 al Plain shall be fully responsible and liable for the

1 reclamation of land on the Coastal Plain and any
2 other Federal land that is adversely affected in con-
3 nection with exploration, development, production, or
4 transportation activities conducted under the lease
5 and on the Coastal Plain by the lessee or by any of
6 the subcontractors or agents of the lessee;

7 (4) provide that the lessee may not delegate or
8 convey, by contract or otherwise, the reclamation re-
9 sponsibility and liability to another person without
10 the express written approval of the Secretary;

11 (5) provide that the standard of reclamation for
12 land required to be reclaimed under this subtitle
13 shall be, as nearly as practicable, a condition capable
14 of supporting the uses which the land was capable
15 of supporting prior to any exploration, development,
16 or production activities, or upon application by the
17 lessee, to a higher or better use as certified by the
18 Secretary;

19 (6) contain terms and conditions relating to
20 protection of fish and wildlife, the habitat of fish
21 and wildlife, subsistence resources, and the environ-
22 ment as required under section 5003(a)(2);

23 (7) provide that the lessee, agents of the lessee,
24 and contractors of the lessee use best efforts to pro-
25 vide a fair share, as determined by the level of obli-

1 gation previously agreed to in the 1974 agreement
2 implementing section 29 of the Federal Agreement
3 and Grant of Right of Way for the Operation of the
4 Trans-Alaska Pipeline, of employment and con-
5 tracting for Alaska Natives and Alaska Native cor-
6 porations from throughout the State; and

7 (8) contain such other provisions as the Sec-
8 retary determines necessary to ensure compliance
9 with this subtitle and the regulations issued pursu-
10 ant to this subtitle.

11 **SEC. 5007. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

12 (a) NO SIGNIFICANT ADVERSE EFFECT STANDARD
13 TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—
14 The Secretary shall, consistent with the requirements of
15 section 5003, administer this subtitle through regulations,
16 lease terms, conditions, restrictions, prohibitions, stipula-
17 tions, and other provisions that—

18 (1) ensure the oil and gas exploration, develop-
19 ment, and production activities on the Coastal Plain
20 shall not result in any significant adverse effect on
21 fish and wildlife, the habitat of fish and wildlife, or
22 the environment;

23 (2) require the application of the best commer-
24 cially available technology for oil and gas explo-
25 ration, development, and production on all new ex-

1 ploration, development, and production operations;
2 and

3 (3) ensure that the maximum amount of sur-
4 face acreage covered by production and support fa-
5 cilities, including airstrips and any areas covered by
6 gravel berms or piers for support of pipelines, does
7 not exceed 10,000 acres on the Coastal Plain for
8 each 100,000 acres of area leased.

9 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—
10 With respect to any proposed drilling and related activi-
11 ties, the Secretary shall require that—

12 (1) a site-specific analysis be made of the prob-
13 able effects, if any, that the drilling or related activi-
14 ties will have on fish and wildlife, the habitat of fish
15 and wildlife, subsistence resources, and the environ-
16 ment;

17 (2) a plan be implemented to avoid, minimize,
18 and mitigate (in that order and to the extent prac-
19 ticable) any significant adverse effect identified
20 under paragraph (1); and

21 (3) the development of the plan shall occur
22 after consultation with the agency or agencies hav-
23 ing jurisdiction over matters mitigated by the plan.

24 (c) REGULATIONS TO PROTECT COASTAL PLAIN
25 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,

1 AND THE ENVIRONMENT.—Prior to implementing the
2 leasing program authorized by this subtitle, the Secretary
3 shall prepare and promulgate regulations, lease terms,
4 conditions, restrictions, prohibitions, stipulations, and
5 other measures designed to ensure that the activities un-
6 dertaken on the Coastal Plain under this subtitle are con-
7 ducted in a manner consistent with the purposes and envi-
8 ronmental requirements of this subtitle.

9 (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-
10 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The
11 proposed regulations, lease terms, conditions, restrictions,
12 prohibitions, and stipulations for the leasing program
13 under this subtitle shall require compliance with all appli-
14 cable provisions of Federal and State environmental law
15 and compliance with the following:

16 (1) Standards at least as effective as the safety
17 and environmental mitigation measures set forth in
18 items 1 through 29 at pages 167 through 169 of the
19 document of the Department of the Interior entitled
20 “Final Legislative Environmental Impact State-
21 ment” and dated April 1987 relating to the Coastal
22 Plain.

23 (2) Seasonal limitations on exploration, develop-
24 ment, and related activities, where necessary, to
25 avoid significant adverse effects during periods of

1 concentrated fish and wildlife breeding, denning,
2 nesting, spawning, and migration based on a prepon-
3 derance of the best available scientific evidence that
4 has been peer reviewed and obtained by following
5 appropriate, documented scientific procedures, the
6 results of which can be repeated using those same
7 procedures.

8 (3) That exploration activities, except for sur-
9 face geological studies—

10 (A) be limited to the period between ap-
11 proximately November 1 and May 1 each year;
12 and

13 (B) be supported, if necessary, by ice
14 roads, winter trails with adequate snow cover,
15 ice pads, ice airstrips, and air transport meth-
16 ods, except that exploration activities may occur
17 at other times if the Secretary finds that the
18 exploration will have no significant adverse ef-
19 fect on the fish and wildlife, the habitat of fish
20 and wildlife, and the environment of the Coastal
21 Plain.

22 (4) Design safety and construction standards
23 for all pipelines and any access and service roads,
24 that minimize, to the maximum extent practicable,
25 adverse effects on—

1 (A) the passage of migratory species such
2 as caribou; and

3 (B) the flow of surface water by requiring
4 the use of culverts, bridges, and other struc-
5 tural devices.

6 (5) Prohibitions on general public access and
7 use on all pipeline access and service roads.

8 (6) Stringent reclamation and rehabilitation re-
9 quirements, consistent with the standards set forth
10 in this subtitle, requiring the removal from the
11 Coastal Plain of all oil and gas development and
12 production facilities, structures, and equipment upon
13 completion of oil and gas production operations, ex-
14 cept that the Secretary may exempt from the re-
15 quirements of this paragraph those facilities, struc-
16 tures, or equipment that the Secretary determines
17 would assist in the management of the Arctic Na-
18 tional Wildlife Refuge and that are donated to the
19 United States for that purpose.

20 (7) Appropriate prohibitions or restrictions on
21 access by all modes of transportation.

22 (8) Appropriate prohibitions or restrictions on
23 sand and gravel extraction.

24 (9) Consolidation of facility siting.

1 (10) Appropriate prohibitions or restrictions on
2 the use of explosives.

3 (11) Avoidance, to the extent practicable, of
4 springs, streams, and river systems, the protection
5 of natural surface drainage patterns, wetlands, and
6 riparian habitats, and the regulation of methods or
7 techniques for developing or transporting adequate
8 supplies of water for exploratory drilling.

9 (12) Avoidance or minimization of air traffic-re-
10 lated disturbance to fish and wildlife.

11 (13) Treatment and disposal of hazardous and
12 toxic wastes, solid wastes, reserve pit fluids, drilling
13 muds and cuttings, and domestic wastewater, includ-
14 ing an annual waste management report, a haz-
15 ardous materials tracking system, and a prohibition
16 on chlorinated solvents, in accordance with applica-
17 ble Federal and State environmental law (including
18 regulations).

19 (14) Fuel storage and oil spill contingency plan-
20 ning.

21 (15) Research, monitoring, and reporting re-
22 quirements.

23 (16) Field crew environmental briefings.

1 (17) Avoidance of significant adverse effects
2 upon subsistence hunting, fishing, and trapping by
3 subsistence users.

4 (18) Compliance with applicable air and water
5 quality standards.

6 (19) Appropriate seasonal and safety zone des-
7 ignations around well sites, within which subsistence
8 hunting and trapping shall be limited.

9 (20) Reasonable stipulations for protection of
10 cultural and archeological resources.

11 (21) All other protective environmental stipula-
12 tions, restrictions, terms, and conditions determined
13 necessary by the Secretary.

14 (e) CONSIDERATIONS.—In preparing and promul-
15 gating regulations, lease terms, conditions, restrictions,
16 prohibitions, and stipulations under this section, the Sec-
17 retary shall consider—

18 (1) the stipulations and conditions that govern
19 the National Petroleum Reserve-Alaska leasing pro-
20 gram, as set forth in the 1999 Northeast National
21 Petroleum Reserve-Alaska Final Integrated Activity
22 Plan/Environmental Impact Statement;

23 (2) the environmental protection standards that
24 governed the initial Coastal Plain seismic exploration

1 program under parts 37.31 to 37.33 of title 50,
2 Code of Federal Regulations; and

3 (3) the land use stipulations for exploratory
4 drilling on the KIC–ASRC private land that are set
5 forth in appendix 2 of the August 9, 1983, agree-
6 ment between Arctic Slope Regional Corporation and
7 the United States.

8 (f) FACILITY CONSOLIDATION PLANNING.—

9 (1) IN GENERAL.—The Secretary shall, after
10 providing for public notice and comment, prepare
11 and update periodically a plan to govern, guide, and
12 direct the siting and construction of facilities for the
13 exploration, development, production, and transpor-
14 tation of Coastal Plain oil and gas resources.

15 (2) OBJECTIVES.—The plan shall have the fol-
16 lowing objectives:

17 (A) Avoiding unnecessary duplication of fa-
18 cilities and activities.

19 (B) Encouraging consolidation of common
20 facilities and activities.

21 (C) Locating or confining facilities and ac-
22 tivities to areas that will minimize impact on
23 fish and wildlife, the habitat of fish and wildlife,
24 and the environment.

1 (D) Using existing facilities wherever prac-
2 ticable.

3 (E) Enhancing compatibility between wild-
4 life values and development activities.

5 (g) ACCESS TO PUBLIC LAND.—The Secretary
6 shall—

7 (1) manage public land in the Coastal Plain
8 subject to section 811 of the Alaska National Inter-
9 est Lands Conservation Act (16 U.S.C. 3121); and

10 (2) ensure that local residents shall have rea-
11 sonable access to public land in the Coastal Plain for
12 traditional uses.

13 **SEC. 5008. EXPEDITED JUDICIAL REVIEW.**

14 (a) FILING OF COMPLAINT.—

15 (1) DEADLINE.—Subject to paragraph (2), any
16 complaint seeking judicial review of—

17 (A) any provision of this subtitle shall be
18 filed by not later than 1 year after the date of
19 enactment of this Act; or

20 (B) any action of the Secretary under this
21 subtitle shall be filed—

22 (i) except as provided in clause (ii),
23 during the 90-day period beginning on the
24 date on which the action is challenged; or

1 (ii) in the case of a complaint based
2 solely on grounds arising after the period
3 described in clause (i), not later than 90
4 days after the date on which the complain-
5 ant knew or reasonably should have known
6 of the grounds for the complaint.

7 (2) VENUE.—Any complaint seeking judicial re-
8 view of any provision of this subtitle or any action
9 of the Secretary under this subtitle may be filed only
10 in the United States Court of Appeals for the Dis-
11 trict of Columbia.

12 (3) LIMITATION ON SCOPE OF CERTAIN RE-
13 VIEW.—

14 (A) IN GENERAL.—Judicial review of a de-
15 cision by the Secretary to conduct a lease sale
16 under this subtitle, including an environmental
17 analysis, shall be—

18 (i) limited to whether the Secretary
19 has complied with this subtitle; and

20 (ii) based on the administrative record
21 of that decision.

22 (B) PRESUMPTION.—The identification by
23 the Secretary of a preferred course of action to
24 enable leasing to proceed and the analysis by
25 the Secretary of environmental effects under

1 this subtitle is presumed to be correct unless
2 shown otherwise by clear and convincing evi-
3 dence.

4 (b) LIMITATION ON OTHER REVIEW.—Actions of the
5 Secretary with respect to which review could have been
6 obtained under this section shall not be subject to judicial
7 review in any civil or criminal proceeding for enforcement.

8 (c) LIMITATION ON ATTORNEYS’ FEES AND COURT
9 COSTS.—

10 (1) IN GENERAL.—Sections 504 of title 5 and
11 2412 of title 28, United States Code (commonly
12 known as the “Equal Access to Justice Act”), shall
13 not apply to any action under this subtitle.

14 (2) COURT COSTS.—A party to any action
15 under this subtitle shall not receive payment from
16 the Federal Government for the attorneys’ fees, ex-
17 penses, or other court costs incurred by the party.

18 **SEC. 5009. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

19 (a) IN GENERAL.—The Secretary shall issue rights-
20 of-way and easements across the Coastal Plain for the
21 transportation of oil and gas produced under leases under
22 this subtitle—

23 (1) except as provided in paragraph (2), under
24 section 28 of the Mineral Leasing Act (30 U.S.C.
25 185), without regard to title XI of the Alaska Na-

1 tional Interest Lands Conservation Act (16 U.S.C.
2 3161 et seq.); and

3 (2) under title XI of the Alaska National Inter-
4 est Lands Conservation Act (30 U.S.C. 3161 et
5 seq.), for access authorized by sections 1110 and
6 1111 of that Act (16 U.S.C. 3170, 3171).

7 (b) TERMS AND CONDITIONS.—The Secretary shall
8 include in any right-of-way or easement issued under sub-
9 section (a) such terms and conditions as may be necessary
10 to ensure that transportation of oil and gas does not result
11 in a significant adverse effect on the fish and wildlife, the
12 habitat of fish and wildlife, subsistence resources, or the
13 environment of the Coastal Plain, including requirements
14 that facilities be sited or designed so as to avoid unneces-
15 sary duplication of roads and pipelines.

16 (c) REGULATIONS.—The Secretary shall include in
17 regulations promulgated under section 5003(g) provisions
18 granting rights-of-way and easements described in sub-
19 section (a).

20 **SEC. 5010. CONVEYANCE.**

21 In order to maximize Federal revenues by removing
22 clouds on titles to land and clarifying land ownership pat-
23 terns on the Coastal Plain, and notwithstanding section
24 1302(h)(2) of the Alaska National Interest Lands Con-

1 servation Act (16 U.S.C. 3192(h)(2)), the Secretary shall
2 convey—

3 (1) to the Kaktovik Inupiat Corporation, the
4 surface estate of the land described in paragraph 1
5 of Public Land Order 6959, to the extent necessary
6 to fulfill the entitlement of the Kaktovik Inupiat
7 Corporation under sections 12 and 14 of the Alaska
8 Native Claims Settlement Act (43 U.S.C. 1611,
9 1613) in accordance with the terms and conditions
10 of the Agreement between the Department of the In-
11 terior, the United States Fish and Wildlife Service,
12 the Bureau of Land Management, and the Kaktovik
13 Inupiat Corporation dated January 22, 1993; and

14 (2) to the Arctic Slope Regional Corporation
15 the remaining subsurface estate to which the Arctic
16 Slope Regional Corporation is entitled pursuant to
17 the August 9, 1983, agreement between the Arctic
18 Slope Regional Corporation and the United States of
19 America.

20 **Subtitle B—Native American**
21 **Energy**

22 **SEC. 5021. FINDINGS.**

23 Congress finds that—

1 (1) the Federal Government has unreasonably
2 interfered with the efforts of Indian tribes to develop
3 energy resources on tribal land; and

4 (2) Indian tribes should have the opportunity to
5 gain the benefits of the jobs, investment, and eco-
6 nomic development to be gained from energy devel-
7 opment.

8 **SEC. 5022. APPRAISALS.**

9 (a) AMENDMENT.—Title XXVI of the Energy Policy
10 Act of 1992 (25 U.S.C. 3501 et seq.) is amended by add-
11 ing at the end the following:

12 **“SEC. 2607. APPRAISAL REFORMS.**

13 “(a) OPTIONS TO INDIAN TRIBES.—With respect to
14 a transaction involving Indian land or the trust assets of
15 an Indian tribe that requires the approval of the Sec-
16 retary, any appraisal or other estimates of value relating
17 to fair market value required to be conducted under appli-
18 cable law, regulation, or policy may be completed by—

19 “(1) the Secretary;

20 “(2) the affected Indian tribe; or

21 “(3) a certified, third-party appraiser pursuant
22 to a contract with the Indian tribe.

23 “(b) TIME LIMIT ON SECRETARIAL REVIEW AND AC-
24 TION.—Not later than 30 days after the date on which
25 the Secretary receives an appraisal conducted by or for

1 an Indian tribe pursuant to paragraphs (2) or (3) of sub-
2 section (a), the Secretary shall—

3 “(1) review the appraisal; and

4 “(2) provide to the Indian tribe a written notice
5 of approval or disapproval of the appraisal.

6 “(c) FAILURE OF SECRETARY TO APPROVE OR DIS-
7 APPROVE.—If the Secretary has failed to approve or dis-
8 approve any appraisal by the date that is 60 days after
9 the date on which the appraisal is received, the appraisal
10 shall be deemed approved.

11 “(d) OPTION OF INDIAN TRIBES TO WAIVE AP-
12 PRAISAL.—An Indian tribe may waive the requirements of
13 subsection (a) if the Indian tribe provides to the Secretary
14 a written resolution, statement, or other unambiguous in-
15 dication of tribal intent to waive the requirements that—

16 “(1) is duly approved by the governing body of
17 the Indian tribe; and

18 “(2) includes an express waiver by the Indian
19 tribe of any claims for damages the Indian tribe
20 might have against the United States as a result of
21 the waiver.

22 “(e) REGULATIONS.—The Secretary shall promulgate
23 regulations to implement this section, including standards
24 the Secretary shall use for approving or disapproving an
25 appraisal under subsection (b).”.

1 (b) CONFORMING AMENDMENT.—The table of con-
 2 tents of the Energy Policy Act of 1992 (42 U.S.C. 13201
 3 note) is amended by adding at the end of the items relat-
 4 ing to title XXVI the following:

“Sec. 2607. Appraisal reforms.”.

5 **SEC. 5023. STANDARDIZATION.**

6 As soon as practicable after the date of enactment
 7 of this Act, the Secretary of the Interior shall implement
 8 procedures to ensure that each agency within the Depart-
 9 ment of the Interior that is involved in the review, ap-
 10 proval, and oversight of oil and gas activities on Indian
 11 land shall use a uniform system of reference numbers and
 12 tracking systems for oil and gas wells.

13 **SEC. 5024. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL**
 14 **ACTIONS ON INDIAN LAND.**

15 Section 102 of the National Environmental Policy
 16 Act of 1969 (42 U.S.C. 4332) is amended—

17 (1) in the matter preceding paragraph (1) by
 18 inserting “(a) IN GENERAL.—” before “The Con-
 19 gress authorizes”; and

20 (2) by adding at the end the following:

21 “(b) REVIEW OF MAJOR FEDERAL ACTIONS ON IN-
 22 DIAN LAND.—

23 “(1) DEFINITIONS OF INDIAN LAND AND IN-
 24 DIAN TRIBE.—In this subsection, the terms ‘Indian
 25 land’ and ‘Indian tribe’ have the meaning given

1 those terms in section 2601 of the Energy Policy
2 Act of 1992 (25 U.S.C. 3501).

3 “(2) IN GENERAL.—For any major Federal ac-
4 tion on Indian land of an Indian tribe requiring the
5 preparation of a statement under subsection
6 (a)(2)(C), the statement shall only be available for
7 review and comment by—

8 “(A) the members of the Indian tribe; and

9 “(B) any other individual residing within
10 the affected area.

11 “(3) REGULATIONS.—The Chairman of the
12 Council on Environmental Quality, in consultation
13 with Indian tribes, shall develop regulations to im-
14 plement this section, including descriptions of af-
15 fected areas for specific major Federal actions.”.

16 **SEC. 5025. JUDICIAL REVIEW.**

17 (a) DEFINITIONS.—In this section:

18 (1) AGENCY ACTION.—The term “agency ac-
19 tion” has the meaning given the term in section 551
20 of title 5, United States Code.

21 (2) ENERGY-RELATED ACTION.—The term “en-
22 ergy-related action” means a civil action that—

23 (A) is filed on or after the date of enact-
24 ment of this Act; and

1 (B) seeks judicial review of a final agency
2 action relating to the issuance of a permit, li-
3 cense, or other form of agency permission allow-
4 ing—

5 (i) any person or entity to conduct on
6 Indian land activities involving the explo-
7 ration, development, production, or trans-
8 portation of oil, gas, coal, shale gas, oil
9 shale, geothermal resources, wind or solar
10 resources, underground coal gasification,
11 biomass, or the generation of electricity; or

12 (ii) any Indian tribe, or any organiza-
13 tion of 2 or more entities, not less than 1
14 of which is an Indian tribe, to conduct ac-
15 tivities involving the exploration, develop-
16 ment, production, or transportation of oil,
17 gas, coal, shale gas, oil shale, geothermal
18 resources, wind or solar resources, under-
19 ground coal gasification, biomass, or the
20 generation of electricity, regardless of
21 where such activities are undertaken.

22 (3) INDIAN LAND.—

23 (A) IN GENERAL.—The term “Indian
24 land” has the meaning given the term in sec-

1 tion 2601 of the Energy Policy Act of 1992 (25
2 U.S.C. 3501).

3 (B) INCLUSION.—The term “Indian land”
4 includes land owned by a Native Corporation
5 (as that term is defined in section 3 of the
6 Alaska Native Claims Settlement Act (43
7 U.S.C. 1602)) under that Act (43 U.S.C. 1601
8 et seq.).

9 (4) ULTIMATELY PREVAIL.—

10 (A) IN GENERAL.—The term “ultimately
11 prevail” means, in a final enforceable judgment
12 that the court rules in the party’s favor on at
13 least 1 civil claim that is an underlying ration-
14 ale for the preliminary injunction, administra-
15 tive stay, or other relief requested by the party.

16 (B) EXCLUSION.—The term “ultimately
17 prevail” does not include circumstances in
18 which the final agency action is modified or
19 amended by the issuing agency unless the modi-
20 fication or amendment is required pursuant to
21 a final enforceable judgment of the court or a
22 court-ordered consent decree.

23 (b) TIME FOR FILING COMPLAINT.—

24 (1) IN GENERAL.—Any energy related action
25 shall be filed not later than the end of the 60-day

1 period beginning on the date of the action or deci-
2 sion by a Federal official that constitutes the cov-
3 ered energy project concerned.

4 (2) PROHIBITION.—Any energy related action
5 that is not filed within the time period described in
6 paragraph (1) shall be barred.

7 (c) DISTRICT COURT VENUE AND DEADLINE.—An
8 energy related action—

9 (1) may only be brought in the United States
10 District Court for the District of Columbia; and

11 (2) shall be resolved as expeditiously as pos-
12 sible, and in any event not more than 180 days after
13 the energy related action is filed.

14 (d) APPELLATE REVIEW.—An interlocutory order or
15 final judgment, decree or order of the district court in an
16 energy related action—

17 (1) may be appealed to the United States Court
18 of Appeals for the District of Columbia Circuit; and

19 (2) if the court described in paragraph (1) un-
20 dertakes the review, the court shall resolve the re-
21 view as expeditiously as possible, and in any event
22 by not later than 180 days after the interlocutory
23 order or final judgment, decree or order of the dis-
24 trict court was issued.

1 (e) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
2 standing section 1304 of title 31, United States Code, no
3 award may be made under section 504 of title 5, United
4 States Code, or under section 2412 of title 28, United
5 States Code, and no amounts may be obligated or ex-
6 pended from the Claims and Judgment Fund of the
7 United States Treasury to pay any fees or other expenses
8 under such sections, to any person or party in an energy
9 related action.

10 (f) LIMITATION ON ATTORNEYS’ FEES AND COURT
11 COSTS.—

12 (1) IN GENERAL.—Sections 504 of title 5 and
13 2412 of title 28, United States Code (commonly
14 known as the “Equal Access to Justice Act”), shall
15 not apply to an energy related action.

16 (2) COURT COSTS.—A party to a covered civil
17 action shall not receive payment from the Federal
18 Government for the attorneys’ fees, expenses, or
19 other court costs incurred by the party.

20 **SEC. 5026. TRIBAL RESOURCE MANAGEMENT PLANS.**

21 Unless otherwise explicitly exempted by Federal law
22 enacted after the date of enactment of this Act, any activ-
23 ity conducted or resources harvested or produced pursuant
24 to a tribal resource management plan or an integrated re-
25 source management plan approved by the Secretary of the

1 Interior under the National Indian Forest Resources Man-
2 agement Act (25 U.S.C. 3101 et seq.) or the American
3 Indian Agricultural Resource Management Act (25 U.S.C.
4 3701 et seq.), shall be considered a sustainable manage-
5 ment practice for purposes of any Federal standard, ben-
6 efit, or requirement that requires a demonstration of such
7 sustainability.

8 **SEC. 5027. LEASES OF RESTRICTED LANDS FOR THE NAV-**
9 **AJO NATION.**

10 Subsection (e)(1) of the first section of the Act of
11 August 9, 1955 (25 U.S.C. 415) (commonly known as the
12 “Long-Term Leasing Act”), is amended—

13 (1) by striking “, except a lease for” and insert-
14 ing “, including leases for”;

15 (2) in subparagraph (A), by striking “25 years,
16 except” and all that follows through “; and” and in-
17 serting “99 years;”;

18 (3) in subparagraph (B), by striking the period
19 and inserting “; and”; and

20 (4) by adding at the end the following:

21 “(C) in the case of a lease for the exploration,
22 development, or extraction of mineral resources, in-
23 cluding geothermal resources, 25 years, except that
24 the lease may include an option to renew for 1 addi-
25 tional term not to exceed 25 years.”.

1 **SEC. 5028. NONAPPLICABILITY OF CERTAIN RULES.**

2 No rule promulgated by the Secretary of the Interior
3 regarding hydraulic fracturing used in the development or
4 production of oil or gas resources shall affect any land
5 held in trust or restricted status for the benefit of Indians
6 except with the express consent of the beneficiary on be-
7 half of which the land is held in trust or restricted status.

8 **Subtitle C—Additional Regulatory**
9 **Provisions**

10 **PART I—STATE AUTHORITY OVER HYDRAULIC**
11 **FRACTURING**

12 **SEC. 5031. FINDING.**

13 Congress finds that given variations in geology, land
14 use, and population, the States are best placed to regulate
15 the process of hydraulic fracturing occurring on any land
16 within the boundaries of the individual State.

17 **SEC. 5032. STATE AUTHORITY.**

18 (a) DEFINITION OF FEDERAL LAND.—In this sec-
19 tion, the term “Federal land” means—

20 (1) public lands (as defined in section 103 of
21 the Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1702));

23 (2) National Forest System land;

24 (3) land under the jurisdiction of the Bureau of
25 Reclamation; and

1 (4) land under the jurisdiction of the Corps of
2 Engineers.

3 (b) STATE AUTHORITY.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, a State shall have the sole author-
6 ity to promulgate or enforce any regulation, guid-
7 ance, or permit requirement regarding the treatment
8 of a well by the application of fluids under pressure
9 to which propping agents may be added for the ex-
10 pressly designed purpose of initiating or propagating
11 fractures in a target geologic formation in order to
12 enhance production of oil, natural gas, or geothermal
13 production activities on or under any land within the
14 boundaries of the State.

15 (2) FEDERAL LAND.—Notwithstanding any
16 other provision of law, the treatment of a well by the
17 application of fluids under pressure to which prop-
18 ping agents may be added for the expressly designed
19 purpose of initiating or propagating fractures in a
20 target geologic formation in order to enhance pro-
21 duction of oil, natural gas, or geothermal production
22 activities on Federal land shall be subject to the law
23 of the State in which the land is located.

1 **PART II—MISCELLANEOUS PROVISIONS**

2 **SEC. 5041. ENVIRONMENTAL LEGAL FEES.**

3 Section 504 of title 5, United States Code, is amend-
4 ed by adding at the end the following:

5 “(g) ENVIRONMENTAL LEGAL FEES.—Notwith-
6 standing section 1304 of title 31, no award may be made
7 under this section and no amounts may be obligated or
8 expended from the Claims and Judgment Fund of the
9 Treasury to pay any legal fees of a nongovernmental orga-
10 nization related to an action that (with respect to the
11 United States)—

12 “(1) prevents, terminates, or reduces access to
13 or the production of—

14 “(A) energy;

15 “(B) a mineral resource;

16 “(C) water by agricultural producers;

17 “(D) a resource by commercial or rec-
18 reational fishermen; or

19 “(E) grazing or timber production on Fed-
20 eral land;

21 “(2) diminishes the private property value of a
22 property owner; or

23 “(3) eliminates or prevents 1 or more jobs.”.

24 **SEC. 5042. MASTER LEASING PLANS.**

25 (a) IN GENERAL.—Notwithstanding any other provi-
26 sion of law, the Secretary of the Interior, acting through

1 the Bureau of Land Management, shall not establish a
2 master leasing plan as part of any guidance issued by the
3 Secretary.

4 (b) EXISTING MASTER LEASING PLANS.—Instruc-
5 tion Memorandum No. 2010–117 and any other master
6 leasing plan described in subsection (a) issued on or before
7 the date of enactment of this Act shall have no force or
8 effect.

9 **TITLE VI—IMPROVING AMER-**
10 **ICA’S DOMESTIC REFINING**
11 **CAPACITY**

12 **Subtitle A—Refinery Permitting**
13 **Reform**

14 **SEC. 6001. FINDING.**

15 Congress finds that the domestic refining industry is
16 an important source of jobs and economic growth and
17 whose growth should not be limited by an excessively
18 drawn out permitting and approval process.

19 **SEC. 6002. DEFINITIONS.**

20 In this subtitle:

21 (1) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the Environ-
23 mental Protection Agency.

1 (2) EXPANSION.—The term “expansion” means
2 a physical change that results in an increase in the
3 capacity of a refinery.

4 (3) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 450b).

8 (4) PERMIT.—The term “permit” means any
9 permit, license, approval, variance, or other form of
10 authorization that a refiner is required to obtain—

11 (A) under any Federal law; or

12 (B) from a State or tribal government
13 agency delegated authority by the Federal Gov-
14 ernment, or authorized under Federal law, to
15 issue permits.

16 (5) REFINER.—The term “refiner” means a
17 person that—

18 (A) owns or operates a refinery; or

19 (B) seeks to become an owner or operator
20 of a refinery.

21 (6) REFINERY.—

22 (A) IN GENERAL.—The term “refinery”
23 means—

1 (i) a facility at which crude oil is re-
2 fined into transportation fuel or other pe-
3 troleum products; and

4 (ii) a coal liquification or coal-to-liquid
5 facility at which coal is processed into syn-
6 thetic crude oil or any other fuel.

7 (B) INCLUSION.—The term “refinery” in-
8 cludes an expansion of a refinery.

9 (7) REFINERY PERMITTING AGREEMENT.—The
10 term “refinery permitting agreement” means an
11 agreement entered into between the Administrator
12 and a State or Indian tribe under subsection (c).

13 (8) STATE.—The term “State” means—

14 (A) a State; and

15 (B) the District of Columbia.

16 **SEC. 6003. STREAMLINING OF REFINERY PERMITTING**
17 **PROCESS.**

18 (a) IN GENERAL.—At the request of the Governor
19 of a State or the governing body of an Indian tribe, the
20 Administrator shall enter into a refinery permitting agree-
21 ment with the State or Indian tribe under which the proc-
22 ess for obtaining all permits necessary for the construction
23 and operation of a refinery shall be streamlined using a
24 systematic, interdisciplinary multimedia approach, as pro-
25 vided in this section.

1 (b) AUTHORITY OF ADMINISTRATOR.—Under a refin-
2 ery permitting agreement, the Administrator shall have
3 the authority, as applicable and necessary—

4 (1) to accept from a refiner a consolidated ap-
5 plication for all permits that the refiner is required
6 to obtain to construct and operate a refinery;

7 (2) in consultation and cooperation with each
8 Federal, State, or tribal government agency that is
9 required to make any determination to authorize the
10 issuance of a permit, to establish a schedule under
11 which each agency shall—

12 (A) concurrently consider, to the maximum
13 extent practicable, each determination to be
14 made; and

15 (B) complete each step in the permitting
16 process; and

17 (3) to issue a consolidated permit that combines
18 all permits issued under the schedule established
19 under paragraph (2).

20 (c) REFINERY PERMITTING AGREEMENTS.—Under a
21 refinery permitting agreement, a State or governing body
22 of an Indian tribe shall agree that—

23 (1) the Administrator shall have each of the au-
24 thorities described in subsection (b); and

1 (2) the State or tribal government agency
2 shall—

3 (A) in accordance with State law, make
4 such structural and operational changes in the
5 agencies as are necessary to enable the agencies
6 to carry out consolidated, project-wide permit
7 reviews concurrently and in coordination with
8 the Environmental Protection Agency and other
9 Federal agencies; and

10 (B) comply, to the maximum extent prac-
11 ticable, with the applicable schedule established
12 under subsection (b)(2).

13 (d) DEADLINES.—

14 (1) NEW REFINERIES.—In the case of a con-
15 solidated permit for the construction of a new refin-
16 ery, the Administrator and the State or governing
17 body of an Indian tribe shall approve or disapprove
18 the consolidated permit not later than—

19 (A) 365 days after the date of receipt of
20 an administratively complete application for the
21 consolidated permit; or

22 (B) on agreement of the applicant, the Ad-
23 ministrator, and the State or governing body of
24 the Indian tribe, 90 days after the expiration of
25 the deadline described in subparagraph (A).

1 (2) EXPANSION OF EXISTING REFINERIES.—In
2 the case of a consolidated permit for the expansion
3 of an existing refinery, the Administrator and the
4 State or governing body of an Indian tribe shall ap-
5 prove or disapprove the consolidated permit not later
6 than—

7 (A) 120 days after the date of receipt of
8 an administratively complete application for the
9 consolidated permit; or

10 (B) on agreement of the applicant, the Ad-
11 ministrator, and the State or governing body of
12 the Indian tribe, 30 days after the expiration of
13 the deadline described in subparagraph (A).

14 (e) FEDERAL AGENCIES.—Each Federal agency that
15 is required to make any determination to authorize the
16 issuance of a permit shall comply with the applicable
17 schedule established under subsection (b)(2).

18 (f) JUDICIAL REVIEW.—Any civil action for review
19 of a permit determination under a refinery permitting
20 agreement shall be brought exclusively in the United
21 States district court for the district in which the refinery
22 is located or proposed to be located.

23 (g) EFFICIENT PERMIT REVIEW.—In order to reduce
24 the duplication of procedures, the Administrator shall use
25 State permitting and monitoring procedures to satisfy

1 substantially equivalent Federal requirements under this
2 subtitle.

3 (h) SEVERABILITY.—If 1 or more permits that are
4 required for the construction or operation of a refinery are
5 not approved on or before an applicable deadline under
6 subsection (d), the Administrator may issue a consolidated
7 permit that combines all other permits that the refiner is
8 required to obtain, other than any permits that are not
9 approved.

10 (i) CONSULTATION WITH LOCAL GOVERNMENTS.—
11 The Administrator, States, and tribal governments shall
12 consult, to the maximum extent practicable, with local gov-
13 ernments in carrying out this section.

14 (j) EFFECT OF SECTION.—Nothing in this section af-
15 fects—

16 (1) the operation or implementation of any oth-
17 erwise applicable law regarding permits necessary
18 for the construction and operation of a refinery;

19 (2) the authority of any unit of local govern-
20 ment with respect to the issuance of permits; or

21 (3) any requirement or ordinance of a local gov-
22 ernment (such as a zoning regulation).

1 **Subtitle B—Repeal of Renewable**
2 **Fuel Standard**

3 **SEC. 6011. FINDINGS.**

4 Congress finds that the mandates under the renew-
5 able fuel standard contained in section 211(o) of the Clean
6 Air Act (42 U.S.C. 7545(o))—

7 (1) impose significant costs on American citi-
8 zens and the American economy, without offering
9 any benefit; and

10 (2) should be repealed.

11 **SEC. 6012. PHASE OUT OF RENEWABLE FUEL STANDARD.**

12 (a) IN GENERAL.—Section 211(o) of the Clean Air
13 Act (42 U.S.C. 7545(o)) is amended—

14 (1) in paragraph (2)—

15 (A) in subparagraph (A)—

16 (i) by striking clause (ii); and

17 (ii) by redesignating clauses (iii) and

18 (iv) as clauses (ii) and (iii), respectively;

19 and

20 (B) in subparagraph (B), by striking
21 clauses (ii) through (v) and inserting the fol-
22 lowing:

23 “(ii) CALENDAR YEARS 2014 THROUGH
24 2019.—Notwithstanding clause (i), for pur-
25 poses of subparagraph (A), the applicable

1 volumes of renewable fuel for each of cal-
2 endar years 2014 through 2019 shall be
3 determined as follows:

4 “(I) For calendar years 2014 and
5 2015, in accordance with the table en-
6 titled ‘I-2—Proposed 2014 Volume
7 Requirements’ of the proposed rule
8 published at pages 71732 through
9 71784 of volume 78 of the Federal
10 Register (November 29, 2013).

11 “(II) For calendar year 2016,
12 the applicable volumes established
13 under subclause (I), reduced by 20
14 percent.

15 “(III) For calendar year 2017,
16 the applicable volumes established
17 under subclause (I), reduced by 40
18 percent.

19 “(IV) For calendar year 2018,
20 the applicable volumes established
21 under subclause (I), reduced by 60
22 percent.

23 “(V) For calendar year 2019, the
24 applicable volumes established under

1 subclause (I), reduced by 80 per-
 2 cent.”;

3 (2) in paragraph (3)—

4 (A) by striking “2021” and inserting
 5 “2018” each place it appears; and

6 (B) in subparagraph (B)(i), by inserting “,
 7 subject to the condition that the renewable fuel
 8 obligation determined for a calendar year is not
 9 more than the applicable volumes established
 10 under paragraph (2)(B)(ii)” before the period;
 11 and

12 (3) by adding at the end the following:

13 “(13) SUNSET.—The program established
 14 under this subsection shall terminate on December
 15 31, 2019.”.

16 (b) REGULATIONS.—Effective beginning on January
 17 1, 2020, the regulations contained in subparts K and M
 18 of part 80 of title 40, Code of Federal Regulations (as
 19 in effect on that date of enactment), shall have no force
 20 or effect.

21 **TITLE VII—STOPPING EPA** 22 **OVERREACH**

23 **SEC. 7001. FINDINGS.**

24 Congress finds that—

1 (1) the Environmental Protection Agency has
 2 exceeded its statutory authority by promulgating
 3 regulations that were not contemplated by Congress
 4 in the authorizing language of the statutes enacted
 5 by Congress;

6 (2) no Federal agency has the authority to reg-
 7 ulate greenhouse gases under current law; and

8 (3) no attempt to regulate greenhouse gases
 9 should be undertaken without further Congressional
 10 action.

11 **SEC. 7002. CLARIFICATION OF FEDERAL REGULATORY AU-**
 12 **THORITY TO EXCLUDE GREENHOUSE GASES**
 13 **FROM REGULATION UNDER THE CLEAN AIR**
 14 **ACT.**

15 (a) REPEAL OF FEDERAL CLIMATE CHANGE REGU-
 16 LATION.—

17 (1) GREENHOUSE GAS REGULATION UNDER
 18 CLEAN AIR ACT.—Section 302(g) of the Clean Air
 19 Act (42 U.S.C. 7602(g)) is amended—

20 (A) by striking “(g) The term” and insert-
 21 ing the following:

22 “(g) AIR POLLUTANT.—

23 “(1) IN GENERAL.—The term”; and

24 (B) by adding at the end the following:

1 “(2) EXCLUSION.—The term ‘air pollutant’
2 does not include carbon dioxide, water vapor, meth-
3 ane, nitrous oxide, hydrofluorocarbons,
4 perfluorocarbons, or sulfur hexafluoride.”.

5 (2) NO REGULATION OF CLIMATE CHANGE.—
6 Notwithstanding any other provision of law, nothing
7 in any of the following Acts or any other law author-
8 izes or requires the regulation of climate change or
9 global warming:

10 (A) The Clean Air Act (42 U.S.C. 7401 et
11 seq.).

12 (B) The Federal Water Pollution Control
13 Act (33 U.S.C. 1251 et seq.).

14 (C) The National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.).

16 (D) The Endangered Species Act of 1973
17 (16 U.S.C. 1531 et seq.).

18 (E) The Solid Waste Disposal Act (42
19 U.S.C. 6901 et seq.).

20 (b) EFFECT ON PROPOSED RULES OF THE EPA.—

21 In accordance with this section, the following proposed or
22 contemplated rules (or any similar or successor rules) of
23 the Environmental Protection Agency shall be void and
24 have no force or effect:

1 (1) The proposed rule entitled “Standards of
2 Performance for Greenhouse Gas Emissions From
3 New Stationary Sources: Electric Utility Generating
4 Units” (published at 79 Fed. Reg. 1430 (January 8,
5 2014)).

6 (2) The proposed rule entitled “Carbon Pollu-
7 tion Emission Guidelines for Existing Stationary
8 Sources: Electric Utility Generating Units” (pub-
9 lished at 79 Fed. Reg. 34829 (June 18, 2014)).

10 (3) Any other contemplated or proposed rules
11 proposed to be issued pursuant to the purported au-
12 thority described in subsection (a)(2).

13 **SEC. 7003. CLARIFICATION OF AUTHORITY.**

14 (a) IN GENERAL.—Neither the Secretary of the
15 Army, acting through the Chief of Engineers, nor the Ad-
16 ministrators of the Environmental Protection Agency
17 shall—

18 (1) finalize the proposed rule entitled “Defini-
19 tion of Waters of the United States Under the Clean
20 Water Act” (79 Fed. Reg. 22188 (April 21, 2014));
21 or

22 (2) use the proposed rule described in para-
23 graph (1), or any substantially similar proposed rule
24 or guidance, as the basis for any rulemaking or any
25 decision regarding the scope or enforcement of the

1 Federal Water Pollution Control Act (33 U.S.C.
2 1251 et seq.).

3 (b) RULES.—The use of the proposed rule described
4 in subsection (a)(1), or any substantially similar proposed
5 rule or guidance, as the basis for any rulemaking or any
6 decision regarding the scope or enforcement of the Federal
7 Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall
8 be grounds for vacation of the final rule, decision, or en-
9 forcement action.

10 **SEC. 7004. JOBS ANALYSIS FOR ALL EPA REGULATIONS.**

11 (a) IN GENERAL.—Before proposing or finalizing any
12 regulation, rule, or policy, the Administrator of the Envi-
13 ronmental Protection Agency shall provide an analysis of
14 the regulation, rule, or policy and describe the direct and
15 indirect net and gross impact of the regulation, rule, or
16 policy on employment in the United States.

17 (b) LIMITATION.—No regulation, rule, or policy de-
18 scribed in subsection (a) shall take effect if the regulation,
19 rule, or policy has a negative impact on employment in
20 the United States unless the regulation, rule, or policy is
21 approved by Congress and signed by the President.

22 **TITLE VIII—DEBT FREEDOM**
23 **FUND**

24 **SEC. 8001. FINDINGS.**

25 Congress finds that—

1 (1) the national debt being over
2 \$17,000,000,000,000 in 2014—

3 (A) threatens the current and future pros-
4 perity of the United States;

5 (B) undermines the national security inter-
6 ests of the United States; and

7 (C) imposes a burden on future genera-
8 tions of United States citizens; and

9 (2) revenue generated from the development of
10 the natural resources in the United States should be
11 used to reduce the national debt.

12 **SEC. 8002. DEBT FREEDOM FUND.**

13 Notwithstanding any other provision of law, in ac-
14 cordance with all revenue sharing arrangement with
15 States in effect on the date of enactment of this Act, an
16 amount equal to the additional amount of Federal funds
17 generated by the programs and activities under this Act
18 (and the amendments made by this Act)—

19 (1) shall be deposited in a special trust fund ac-
20 count in the Treasury, to be known as the “Debt
21 Freedom Fund”; and

22 (2) shall not be withdrawn for any purpose
23 other than to pay down the national debt of the

110

1 United States, for which purpose payments shall be
2 made expeditiously.

○

EXHIBIT 27

Keystone for a Secure Tomorrow Act, H.R. 28, 114th Cong. (2015)

I

114TH CONGRESS
1ST SESSION

H. R. 28

To approve the Keystone XL pipeline project permit.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2015

Mr. POE of Texas introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To approve the Keystone XL pipeline project permit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keystone For a Secure
5 Tomorrow Act”.

6 **SEC. 2. FINDING.**

7 The Congress finds that the delivery of oil from Al-
8 berta, Canada, to domestic markets in the United States
9 is in the national interest of the United States, and the

1 earliest possible completion of the Keystone XL pipeline
2 will best serve the national interest.

3 **SEC. 3. KEYSTONE XL PIPELINE PERMIT APPROVAL.**

4 (a) PERMIT APPROVAL.—The permit described in
5 subsection (b) is hereby approved.

6 (b) DESCRIPTION OF PERMIT.—The permit approved
7 under subsection (a) is the permit with respect to certain
8 energy-related facilities and land transportation crossings
9 on the international boundaries of the United States for
10 the Keystone XL pipeline project, an application for which
11 was filed on September 19, 2008 (including amendments).
12 Such permit shall also include the Nebraska reroute evalu-
13 ated in the Final Evaluation Report issued the Nebraska
14 Department of Environmental Quality in January 2013.

15 (c) REQUIREMENTS.—The permit granted under sub-
16 section (a) shall require the following:

17 (1) The permittee shall comply with all applica-
18 ble Federal and State laws (including regulations)
19 and all applicable industrial codes regarding the con-
20 struction, connection, operation, and maintenance of
21 the United States facilities.

22 (2) The permittee shall take all appropriate
23 measures to prevent or mitigate any adverse envi-
24 ronmental impact or disruption of historic properties

1 in connection with the construction, operation, and
2 maintenance of the United States facilities.

3 (3) For the purpose of the permit approved
4 under subsection (a)—

5 (A) the final environmental impact state-
6 ment issued by the Secretary of State on Au-
7 gust 26, 2011, and the Final Evaluation Report
8 described in subsection (b) satisfy all require-
9 ments of the National Environmental Policy
10 Act of 1969 (42 U.S.C. 4321 et seq.) and sec-
11 tion 106 of the National Historic Preservation
12 Act (16 U.S.C. 470f);

13 (B) any modification required by the Sec-
14 retary of State to the Plan described in para-
15 graph (4)(A) shall not require supplementation
16 of the final environmental impact statement de-
17 scribed in that paragraph; and

18 (C) no further Federal environmental re-
19 view shall be required.

20 (4) The construction, operation, and mainte-
21 nance of the facilities shall be in all material re-
22 spects similar to that described in the application
23 and the Final Evaluation Report described in sub-
24 section (b) and in accordance with—

1 (A) the construction, mitigation, and rec-
2 lamation measures agreed to by the permittee
3 in the Construction Mitigation and Reclamation
4 Plan found in appendix B of the final environ-
5 mental impact statement issued by the Sec-
6 retary of State on August 26, 2011;

7 (B) the special conditions agreed to be-
8 tween the permittee and the Administrator of
9 the Pipeline Hazardous Materials Safety Ad-
10 ministration of the Department of Transpor-
11 tation found in appendix U of the final environ-
12 mental impact statement described in subpara-
13 graph (A); and

14 (C) the stipulations identified in appendix
15 S of the final environmental impact statement
16 described in subparagraph (A).

17 (5) Other requirements that are standard in-
18 dustry practice or commonly included in Federal
19 permits that are similar to a permit approved under
20 subsection (a).

21 (d) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing
22 in this section alters the Federal, State, or local processes
23 or conditions in effect on the date of enactment of this

5

- 1 Act that are necessary to secure access from private prop-
- 2 erty owners to construct the Keystone XL pipeline.

○

EXHIBIT 28

North American Energy Infrastructure Act,
S. 1228, 114th Cong. (2015)

II

114TH CONGRESS
1ST SESSION

S. 1228

To require approval for the construction, connection, operation, or maintenance of oil or natural gas pipelines or electric transmission facilities at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2015

Mr. HOEVEN (for himself and Mr. DONNELLY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require approval for the construction, connection, operation, or maintenance of oil or natural gas pipelines or electric transmission facilities at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North American En-
5 ergy Infrastructure Act”.

1 **SEC. 2. FINDING.**

2 Congress finds that the United States should estab-
3 lish a more uniform, transparent, and modern process for
4 the construction, connection, operation, and maintenance
5 of oil and natural gas pipelines and electric transmission
6 facilities for the import and export of oil and natural gas
7 and the transmission of electricity to and from Canada
8 and Mexico, in pursuit of a more secure and efficient
9 North American energy market.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **CROSS-BORDER SEGMENT.**—The term
13 “cross-border segment” means the portion of an oil
14 or natural gas pipeline or electric transmission facil-
15 ity that is located at the national boundary of the
16 United States with Canada or Mexico.

17 (2) **ELECTRIC RELIABILITY ORGANIZATION.**—
18 The term “Electric Reliability Organization” has the
19 meaning given the term in section 215(a) of the
20 Federal Power Act (16 U.S.C. 824o(a)).

21 (3) **INDEPENDENT SYSTEM OPERATOR.**—The
22 term “Independent System Operator” has the mean-
23 ing given the term in section 3 of the Federal Power
24 Act (16 U.S.C. 796).

25 (4) **MODIFICATION.**—The term “modification”
26 includes—

1 (A) a change in ownership;

2 (B) a volume expansion;

3 (C) a downstream or upstream inter-
4 connection; or

5 (D) an adjustment to maintain flow (such
6 as a reduction or increase in the number of
7 pump or compressor stations).

8 (5) NATURAL GAS.—The term “natural gas”
9 has the meaning given the term in section 2 of the
10 Natural Gas Act (15 U.S.C. 717a).

11 (6) OIL.—The term “oil” means petroleum or
12 a petroleum product.

13 (7) REGIONAL ENTITY.—The term “regional
14 entity” has the meaning given the term in section
15 215(a) of the Federal Power Act (16 U.S.C.
16 824o(a)).

17 (8) REGIONAL TRANSMISSION ORGANIZATION.—
18 The term “Regional Transmission Organization”
19 has the meaning given the term in section 3 of the
20 Federal Power Act (16 U.S.C. 796).

21 **SEC. 4. AUTHORIZATION OF CERTAIN ENERGY INFRA-**
22 **STRUCTURE PROJECTS AT THE NATIONAL**
23 **BOUNDARY OF THE UNITED STATES.**

24 (a) AUTHORIZATION.—Except as provided in sub-
25 section (c) and section 8, no person may construct, con-

1 nect, operate, or maintain a cross-border segment of an
2 oil pipeline or electric transmission facility for the import
3 or export of oil or the transmission of electricity to or from
4 Canada or Mexico without obtaining a certificate of cross-
5 ing for the construction, connection, operation, or mainte-
6 nance of the cross-border segment under this section.

7 (b) CERTIFICATE OF CROSSING.—

8 (1) REQUIREMENT.—Not later than 120 days
9 after final action is taken under the National Envi-
10 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.) with respect to a cross-border segment for
12 which a request is received under this section, the
13 relevant official identified under paragraph (2), in
14 consultation with appropriate Federal agencies, shall
15 issue a certificate of crossing for the cross-border
16 segment unless the relevant official finds that the
17 construction, connection, operation, or maintenance
18 of the cross-border segment is not in the public in-
19 terest of the United States.

20 (2) RELEVANT OFFICIAL.—The relevant official
21 referred to in paragraph (1) is—

22 (A) the Secretary of State with respect to
23 oil pipelines; and

24 (B) the Secretary of Energy with respect
25 to electric transmission facilities.

1 (3) ADDITIONAL REQUIREMENT FOR ELECTRIC
2 TRANSMISSION FACILITIES.—In the case of a request
3 for a certificate of crossing for the construction, con-
4 nection, operation, or maintenance of a cross-border
5 segment of an electric transmission facility, the Sec-
6 retary of Energy shall require, as a condition of
7 issuing the certificate of crossing for the request
8 under paragraph (1), that the cross-border segment
9 of the electric transmission facility be constructed,
10 connected, operated, or maintained consistent with
11 all applicable policies and standards of—

12 (A) the Electric Reliability Organization
13 and the applicable regional entity; and

14 (B) any Regional Transmission Organiza-
15 tion or Independent System Operator with
16 operational or functional control over the cross-
17 border segment of the electric transmission fa-
18 cility.

19 (c) EXCLUSIONS.—This section shall not apply to any
20 construction, connection, operation, or maintenance of a
21 cross-border segment of an oil pipeline or electric trans-
22 mission facility for the import or export of oil or the trans-
23 mission of electricity to or from Canada or Mexico—

1 (1) if the cross-border segment is operating for
2 the import, export, or transmission as of the date of
3 enactment of this Act;

4 (2) if a permit described in section 7 for the
5 construction, connection, operation, or maintenance
6 has been issued;

7 (3) if a certificate of crossing for the construc-
8 tion, connection, operation, or maintenance has pre-
9 viously been issued under this section; or

10 (4) if an application for a permit described in
11 section 7 for the construction, connection, operation,
12 or maintenance is pending on the date of enactment
13 of this Act, until the earlier of—

14 (A) the date on which the application is
15 denied; or

16 (B) July 1, 2016.

17 (d) EFFECT OF OTHER LAWS.—

18 (1) APPLICATION TO PROJECTS.—Nothing in
19 this section or section 8 affects the application of
20 any other Federal law to a project for which a cer-
21 tificate of crossing for the construction, connection,
22 operation, or maintenance of a cross-border segment
23 is sought under this section.

24 (2) ENERGY POLICY AND CONSERVATION
25 ACT.—Nothing in this section or section 8 shall af-

1 fect the authority of the President under section
2 103(a) of the Energy Policy and Conservation Act
3 (42 U.S.C. 6212(a)).

4 **SEC. 5. IMPORTATION OR EXPORTATION OF NATURAL GAS**
5 **TO CANADA AND MEXICO.**

6 Section 3(c) of the Natural Gas Act (15 U.S.C.
7 717b(c)) is amended—

8 (1) by striking “(c) For purposes” and insert-
9 ing the following:

10 “(c) EXPEDITED APPLICATION AND APPROVAL
11 PROCESS.—

12 “(1) IN GENERAL.—For purposes”; and

13 (2) by adding at the end the following:

14 “(2) DEADLINE FOR APPROVAL OF APPLICA-
15 TIONS RELATING TO CANADA AND MEXICO.—In the
16 case of an application for the importation or expor-
17 tation of natural gas to or from Canada or Mexico,
18 the Commission shall approve the application not
19 later than 30 days after the date of receipt of the
20 application.”.

21 **SEC. 6. TRANSMISSION OF ELECTRIC ENERGY TO CANADA**
22 **AND MEXICO.**

23 (a) REPEAL OF REQUIREMENT TO SECURE
24 ORDER.—Section 202 of the Federal Power Act (16
25 U.S.C. 824a) is amended—

1 (1) by striking subsection (e); and

2 (2) by redesignating subsections (f) and (g) as
3 subsections (e) and (f), respectively.

4 (b) CONFORMING AMENDMENTS.—

5 (1) STATE REGULATIONS.—Subsection (e) of
6 section 202 of the Federal Power Act (16 U.S.C.
7 824a) (as redesignated by subsection (a)(2)) is
8 amended in the second sentence by striking “insofar
9 as such State regulation does not conflict with the
10 exercise of the Commission’s powers under or relat-
11 ing to subsection 202(e)”.

12 (2) SEASONAL DIVERSITY ELECTRICITY EX-
13 CHANGE.—Section 602(b) of the Public Utility Reg-
14 ulatory Policies Act of 1978 (16 U.S.C. 824a–4(b))
15 is amended by striking “the Commission has con-
16 ducted hearings and made the findings required
17 under section 202(e) of the Federal Power Act” and
18 all that follows through the period at the end of the
19 second sentence and inserting “the Secretary has
20 conducted hearings and finds that the proposed
21 transmission facilities would not impair the suffi-
22 ciency of electric supply within the United States or
23 would not impede or tend to impede the coordination
24 in the public interest of facilities subject to the juris-
25 diction of the Secretary.”.

1 **SEC. 7. NO PRESIDENTIAL PERMIT REQUIRED.**

2 (a) IN GENERAL.—No Presidential permit (or similar
3 permit) required under an applicable provision described
4 in subsection (b) shall be necessary for the construction,
5 connection, operation, or maintenance of an oil or natural
6 gas pipeline or electric transmission facility, or any cross-
7 border segment of the pipeline or facility.

8 (b) APPLICABLE PROVISIONS.—Subsection (a) ap-
9 plies to—

10 (1) section 301 of title 3, United States Code;

11 (2) Executive Order 11423 (3 U.S.C. 301
12 note);

13 (3) Executive Order 13337 (3 U.S.C. 301
14 note);

15 (4) Executive Order 10485 (15 U.S.C. 717b
16 note);

17 (5) Executive Order 12038 (42 U.S.C. 7151
18 note); and

19 (6) any other Executive order.

20 **SEC. 8. MODIFICATIONS TO EXISTING PROJECTS.**

21 No certificate of crossing under section 4, or permit
22 described in section 7, shall be required for a modification
23 to the construction, connection, operation, or maintenance
24 of an oil or natural gas pipeline or electric transmission
25 facility—

1 (1) that is operating for the import or export
2 of oil or natural gas or the transmission of elec-
3 tricity to or from Canada or Mexico as of the date
4 of enactment of the Act;

5 (2) for which a permit described in section 7 for
6 the construction, connection, operation, or mainte-
7 nance has been issued; or

8 (3) for which a certificate of crossing for the
9 cross-border segment of the pipeline or facility has
10 previously been issued under section 4.

11 **SEC. 9. EFFECTIVE DATE; RULEMAKING DEADLINES.**

12 (a) EFFECTIVE DATE.—Sections 4 through 8, and
13 the amendments made by those sections, take effect on
14 July 1, 2016.

15 (b) RULEMAKING DEADLINES.—Each relevant offi-
16 cial described in section 4(b)(2) shall—

17 (1) not later than 180 days after the date of
18 enactment of this Act, publish in the Federal Reg-
19 ister notice of a proposed rulemaking to carry out
20 the applicable requirements of section 4; and

21 (2) not later than 1 year after the date of en-
22 actment of this Act, publish in the Federal Register
23 a final rule to carry out the applicable requirements
24 of section 4.

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